

Memorandum

TO : MR. BOYNTON

FROM : W. L. BAILEY *WB*

SUBJECT: UNITED STATES VS.
MARK FELT; ET AL
DISCOVERY PROCEEDINGS -
TRIAL PREPARATION

DATE: 11/1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/baw/sbs

Exec AD Adm.	<input type="checkbox"/>
Exec AD Inv.	<input type="checkbox"/>
Exec AD LES	<input type="checkbox"/>
Asst. Dir.:	
Adm. Servs.	<input type="checkbox"/>
Crim. Inv.	<input type="checkbox"/>
Ident.	<input type="checkbox"/>
Intell.	<input type="checkbox"/>
Laboratory	<input type="checkbox"/>
Legal Coun.	<input checked="" type="checkbox"/>
Plan. & Insp.	<input checked="" type="checkbox"/>
Rec. Mgmt.	<input checked="" type="checkbox"/>
Tech. Servs.	<input type="checkbox"/>
Training	<input type="checkbox"/>
Public Affs. Off.	<input type="checkbox"/>
Telephone Rm.	<input type="checkbox"/>
Director's Sec'y	<input type="checkbox"/>

FBI/DOJ

The purpose of this memorandum is to advise concerning results of the Newark Office contact with the Newark, N. J., Police Department seeking permission to provide to defense, and ultimately use in open court, information provided by a highly confidential source of that department.

By way of background, John W. Nields, Jr., Special Prosecutor, U. S. Department of Justice, requested we contact the Newark Police Department to obtain permission to disclose to the defense in discovery, and ultimately at trial, information furnished by a highly confidential source of that department relative to the whereabouts of a Weatherman fugitive [REDACTED]. The information indicated that [REDACTED]

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[REDACTED] were aware of the whereabouts of [REDACTED] In the eyes of Nields, this formed the basis for the break-in directed against [REDACTED] Nields viewed this information as being essential to the defense and failure to obtain permission to disclose same for discovery and trial purposes may force the Department to dismiss the indictments

Z

The SAC, Newark, preliminarily contacted Hubert Williams, Director of Police, Newark, N. J., and asked whether the information could be used in accordance with the Department's request. Williams asked that a letter be directed to Captain [REDACTED], the former head of the Newark Police Department Intelligence Unit, who initially furnished the information to the FBI. He pointed out that it was unlikely there was any record in the department files containing this information, and that [REDACTED] would have to be contacted to determine whether

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b7C62-118045-232
02 DEC 20 1979ORIGINAL

- 1 - Mr. Boynton
- 1 - Mr. Mintz
- 1 - Mr. Bailey
- 1 - Mr. Daly
- 1 - Mr. Tierney

4-97
Greenberg/Gray-681162-118045
SEE CID ADDENDUM PAGE 3

66 JAN 4 1980

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FBI/DOJ

the information could be disclosed. [redacted] when contacted by ASAC Robert P. Wright, Newark Office, advised that he personally handled great volumes of intelligence information in his official capacity, some of which was disseminated to the FBI.

[redacted] stated although he believes he knows the identity of the source, he cannot be certain. The source, according to [redacted] would be endangered by the release of the information. He requested that the information be protected from disclosure and that his prior request for confidentiality be honored. The above information has been furnished John W. Nields, Jr.

We should anticipate the Department asking for our views as to whether to honor [redacted] request, since in the Department's view the information is essential in this matter. The Criminal Investigative Division would appear to be in the best position to assess what impact failure to honor that request might have. It is suggested the ultimate decision in this matter will be the Department's.

RECOMMENDATION

That the Criminal Investigative Division review this matter in accordance with the above and submit their recommendation.

APPROVED:	Adm. Serv. _____	Legal Coun. _____
	Crim. Inv. _____	Plan. & Insp. _____
Director _____	Ident. _____	Rec. Mgmt. _____
Exec. AD-Inv. <i>(initials)</i>	Intell. _____	Tech. Servs. _____
Exec. AD-Adm. <i>(initials)</i>	Laboratory _____	Training _____
Exec. AD-LES		Public Affs. Off. _____

-2*- Greenberg/Gray-6812

ADDENDUM OF CRIMINAL INVESTIGATIVE DIVISION SLP:rar 11/16/79

The Criminal Investigative Division (CID) strongly believes that the FBI must honor [redacted] request for the continued confidentiality of his informant. A great deal of valuable information relating to FBI investigations is obtained from police departments and other state and Federal law enforcement agencies through the use of their confidential informants. When the information is supplied, it is clearly understood by both the giver and receiver that the source of the information will be protected, unless the contributing agency stipulates otherwise. If it were known that the FBI abrogated this principle, it could seriously curtail the receipt of information from other law enforcement agencies, upon whom we rely heavily.

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In addition to receiving valuable information through the confidential informants of other agencies, the FBI disseminates a great deal of our confidential informant information to these same police departments. When such dissemination is made, it is our clear understanding that they will not compromise our informants without our permission. There have been numerous incidents in which we have strenuously objected to the use of informant information by other law enforcement agencies in a manner which we believe would compromise our informants. The FBI has maintained our objections even though, in some instances, it has meant the termination of prosecutive action against the subjects of a particular case. Not honoring [redacted] request, therefore, would put us in a position of reversing our own longstanding policy.

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APPROVED:	Adm. Serv.	Legal Coun.
	Crim. Inv. <u>ADM</u>	Plan. & Insp.
Director _____	Ident. _____	Rec. Mgmt. <u>WLO/1008</u>
Exec. AD-Inv. _____	Intell. _____	Tech. Servs. _____
Exec. AD-Adm. _____	Laboratory _____	Training _____
Exec. AD-LES _____		Public Affs. Off. _____

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DATE 04-16-2009 BY 65179 dmh/baw/sbs

November 19, 1979

Joseph L. Tierney
Federal Bureau of Investigation

U.S. VS. W. MARK FELT, ET AL.
DISCOVERY PROCEEDINGS

1 - Mr. Daly
1 - Mr. Tierney

John W. Nields, Jr.
Department of Justice

FEDERAL GOVERNMENT

Enclosed are Cover Pages A through C, and pages
1, 1A, 17 and 18 of FBI Report October 1, 1970, by Special Agent [redacted] b6
[redacted] at San Francisco, captioned b7C
[redacted] Security Matter - Anarchist.

The foreign source information relevant to the foreign involvement issue appears on Cover Pages B and C.

The substitute information is included in the newspaper article on pages 17 and 18. The substitution does not cover the identical meeting as that furnished by the foreign source, but is the same type overseas contact with similar people. No substitute for the propaganda advice could be located.

Enclosure

(2)

JLT:tdp (5) *HW*

NOTE:

Serial 100-451802-27, FBI Package 97, item 276.

62-118045-233

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
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Tech. Servs. _____
Training _____
Affs. Off. _____
Rm. _____
Sec'y _____

Perry Kelly
Delivered
11/20/1980

DEC 20 1979

~~CONFIDENTIAL MATERIAL ATTACHED~~

MAIL ROOM

62-118045
Greenberg/Gray-6814

FBI/DOJ

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Bailey

FROM : J.L. Tierney

SUBJECT: U.S. VS. W. MARK FELT, ET AL.
DISCOVERY PROCEEDINGS/TRIAL PREPARATION

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

- 1 - Mr. Colwell
1 - Mr. Boynton

DATE: 11/26/79

- 1 - Mr. Steel
1 - Mr. Cregar
1 - Mr. Mintz
1 - Mr. Bailey
1 - Mr. Finzel

- 1 - Mr. Daly
1 - Mr. Tierney

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
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Legal Coun. _____
Plan. & Insp. *WJF*
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

PURPOSE:

To advise of defense request to add unredacted documents to the vault, as provided for in the discovery order, and designation of the same documents for use at trial.

DETAILS:

By letter dated 11/23/79 (copy attached) attorneys for Edward S. Miller furnished the Department with copies of documents received by them during routine discovery. The defense requests these documents be placed in the vault in unredacted form under the new protective order, and designates the documents as needed for trial. The letter and copies were forwarded to us Friday 11/23/79 at approximately 4 p.m. *JL*

Several hundred documents were specified. They were reviewed Friday evening, Saturday and Sunday by both FBI and Department personnel. Many of the documents specified are already in the vault, or are already in the process of being placed in the vault.

Following review, there are less than 100 documents requiring new work. The documents appear to present no new issues not already discussed with the Intelligence Division. The principal impediment to compliance will be locating unredacted copies of the documents on such short notice. Mr. Nields computes the expiration of the five days as ~~as COB~~ Wednesday, 11/28/79. Additional personnel will be assigned to meet the deadline.

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ENCLOSURE The defense request also specifies the same documents for use at trial, which requires separate classification review and processing action, but is not subject to the five-day deadline.

Enclosure

JLT:tdp (10)

CONTINUED - OVER



Memorandum J.L. Tierney to Mr. Bailey
RE: U.S. VS. W. MARK FELT, ET AL.
DISCOVERY PROCEEDINGS/TRIAL PREPARATION

A meeting had been scheduled for Monday, 11/26/79, with Deputy Assistant Attorney General Robert Keuch to discuss trial preparation problems, including classification and source protection issues. The meeting was to have been attended by Messrs. Nields and Martin, Mr. Daly and myself, and Mr. Finzel as the Bureau's Document Classification Officer. This meeting will undoubtedly be postponed because of the death of Mr. Keuch's wife 11/22/79 and our mutual preoccupation with making the vault deadline.

Attorneys for W. Mark Felt designated a much larger group of documents for use at trial approximately 10 days ago. These documents have been identified by the Department but have not yet been furnished to us to begin work.

Bearing in mind the difficulty already encountered with the Newark Police Department source, and the Department itself not having designated any additional documents for use at trial since 4/78, Mr. Nields' observation that the time between now and the 1/2/80 trial date will be hectic, appears justified.

RECOMMENDATION:

None. For information.

APPROVED:	Adm. Serv. _____	Legal Coun. _____
	Crim. Inv. _____	Plan. & Insp. _____
Director _____	Ident. _____	Rec. Mgmt. <i>WUFB</i>
Exec. AD-Inv. <i>R</i>	Intell. _____	Tech. Servs. _____
Exec. AD-Adm. <i>X</i>	Laboratory _____	Training _____
Exec. AD-LES <i>X</i>		Public Affs. Off. _____

LAW OFFICES

~~SECRET~~

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1)
DATE 04-16-2009

Diuguid, Siegel & Kennedy
One Thousand Connecticut Avenue, N.W.
Suite 1112
Washington, D.C. 20036
(202) 872-0700

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

JOHN P. DIUGUID*
THOMAS L. SIEGEL
THOMAS A. KENNELLY

KARL W. PILGER*
ELIZABETH J. WEISBERG*

ALSO ADMITTED IN

*MD. John W. Nields, Jr., Esquire
*VA. Main Justice Building, Room 2304
U.S. Department of Justice
Washington, D.C. 20530

November 23, 1979

OF COUNSEL
HOWARD S. EPSTEIN
ROBERT T. WRAY

MARYLAND OFFICES
107 W. JEFFERSON ST.
ROCKVILLE, MD. 20850

3737 BRANCH AVENUE
HILLCREST HEIGHTS,
MARYLAND 20931

Re: United States v. Gray, Felt and Miller

Dear Mr. Nields:

Pursuant to paragraph (4) of the Supplementary Protective Order of November 5, 1979, we are enclosing herewith copies of redacted documents from the discovery files made available to us, for which we will need unredacted copies for probable use at trial. These consist of approximately 600 pages.

Please be advised that of the many thousands of redacted documents in the discovery files, we have carefully selected only those we are most likely to need at trial.

As we understand paragraph (4), you will within five days deliver the above documents to the court in unredacted form for the court's determination of our request for broader access to and use of the unredacted documents at trial.

It should be understood that this is not a complete list of documents we intend to use at trial, but only the redacted documents included under paragraph (4).

Paragraph (2) of the Supplementary Protective Order requires us to notify you within twenty days after November 5th of any documents covered by paragraph (1) to which we claim a right of broader access or use in unredacted form. However, those documents were not made available for viewing in the vault until November 13th. Therefore we have not yet completed our review. We expect to do so early next week and should have our paragraph (2) notification to you by November 30th.

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~~SECRET~~~~ENCLOSURE~~

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Duguid, Siegel & Kennedy

John W. Nields, Jr., Esquire
November 23, 1979
Page 2

There are some additional discovery documents which have been made available for viewing only in the vault, but which you have not included in your paragraph (1) inventories. Of that group, we have selected the following for probable use at trial, in unredacted form unless otherwise indicated. We suggest you submit them to the court along with the paragraph (4) documents:

- (1) LPG-2-4 - Div to N.Y., 6/21/68 2pp. [REDACTED] (105-178669-10)
- (2) LPG-6-8 b6
b7C
- 3 ✓ LPG-7-23
- (4) LPG-7-74
- (5) LPG-7-80 U + 169
(6) LPG-7-90 (as redacted in vault) (169-185)
- (7) LPG-7-109
- (8) LPG-7-110 b1
- (S) 9. LPG-7-147 [REDACTED] (7-46)
10. LPG-7-166
11. ✓ LPG-7-193
- (12) LPG-8-13
- (13) LPG-8-16 LPG-7-54 [REDACTED] b1
- (S) (14) LPG-8-42 100-439048-5866
- (15) LPG-9-2 105-145696-2010
- (16) (LPG number cut off). Airtel Director (66-8160) to SAC, NY (66-8170) re surreptitious entries, 2/18/76 LPG-7-3.

~~SECRET~~

Greenberg/Gray-6818

JERRIS LEONARD
HARVEY B COHEN
BRIAN P GETTINGS
DAVID E SHER
WILLIAM L STAUFFER, JR.
JOANNE F ALPER
JAMES T DEVINE
FRANK W DUNHAM, JR.
MARK D CUMMINGS
*MEMBER VIRGINIA BAR ONLY

FEDERAL GOVERNMENT

LAW OFFICES
LEONARD, COHEN, GETTINGS AND SHER

SUITE 550

1700 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
(202) 872-1095

VIRGINIA OFFICES
1400 NORTH UHL STREET
COURTHOUSE SQUARE
ARLINGTON, VIRGINIA 22216
(703) 525-2260

November 30, 1979

Orfeo Trombetta, Esquire
Chief, Special Security Center
Room 6740
Department of Justice
Washington, D.C. 20530

Re: United States v. W. Mark Felt, et al.

Dear Mr. Trombetta:

We will need to serve subpoenas duces tecum on the Director of NSA and the FBI or their authorized representatives as custodians of records for their respective agencies. The "duces tecum" part of the subpoena, in order to be drafted with sufficient specificity, must of necessity refer to information which can only be discussed in the vault. Rather than have these subpoenas served through normal court channels, we would ask your assistance in arranging to have an appropriate representative of the Director of the two organizations referred to herein meet us in the vault so that personal service may be effected at that time and any questions that the recipient of the subpoena may have can be answered under secure circumstances. We would appreciate it if you would not communicate this request to government counsel. The subpoena in turn will be filed with the court under seal with the appropriate redactions to protect SCI information.

We thank you for whatever cooperation you can render in this matter. If service, as proposed in this letter, cannot be arranged, we will, of course, have no alternative but to issue the subpoena through normal channels which cannot, by their very nature, provide the appropriate safeguards for the information the government desires to protect.

Very truly yours,

Brian P. Gettings

Brian P. Gettings

Frank W. Dunham, Jr.

6 JAN 24 1980

FWD:lmt

57 FEB 1 1980

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Greenberg/Gray-6819

4-26

ROUTING AND TRANSMITTAL

Date

12-4-79

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. [REDACTED] FBI		
2. <i>JCF/ea</i>	b6 b7C	
3. [REDACTED]		
4. ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED		
5. DATE 04-16-2009 BY 65179 dmh/baw/sbs		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Per our conversation, the meeting is scheduled for 10:00 a.m. on Monday, December 10, 1979 in Room 6744, Main Justice.

Please note and comply with the underlined sentence in paragraph one of the attached letter.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post) <i>D. Jerry Rubino</i> Department Security Officer	Room No.—Bldg. <u>6744 - Main</u>
	Phone No. <u>633-2094</u>

5041-102

★ U. S. GPO: 1978-0-261-647-3354

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

UNITED STATES GOVERNMENT

memorandum

DATE: November 28, 1979

REPLY TO:
ATTN OF: Francis J. Martin
Criminal Division

SUBJECT: United States v. Felt

FEDERAL GOVERNMENT

to: Joseph L. Tierney, FBI
Criminal Division

w. marte

28

ALL FBI INFORMATION CONTAINED
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DATE 04-16-2009 BY 65179 dmh/baw/sbs

[redacted] the New York case agent on the Bookchin bag job, was interviewed yesterday. Your assistance in resolving two questions that arose during the interview is requested.

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NY
176-97

1. The Bookchin bag job arose in connection with the [redacted] case. Please have New York determine when [redacted] case was assigned to [redacted].

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b7C

2. The information that prompted the Bookchin bag job was from an informant of the Washington Field Office. Please make the WFO informant file on [redacted] available for review.

b2
b7D

ASAC
Al Smith
12/3/79

forwarded by WFO ASAC
Duffin 12/3/79

Thanks

R/D/ASAC 12/3/79
11/4/80
[redacted]

b6
b7C

1. Copy of serial showing assignment to [redacted]
2. Any indication that Bookchin was prompted by [redacted] from 176 file or [redacted] file, if any.

b2
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b7D

Re above, NY 176-97 at FBIHQ. Reviewed (copy) at NY by Supervisor [redacted] to trace connection between [redacted] info and bag job one year later. [redacted]

62-118045-233X2

5 FEB 26 1980

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ack: 2/21/80
JLT: top



56 MAR 18 '80

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★ U.S. Government Printing Office: 1977-241-530/3474

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OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112

~~SECRET~~

Diuguid, Siegel & Kennelly

John W. Nields, Jr., Esquire
November 23, 1979
Page 3

- Handled
by Dan J. Miller
12/30/79*
17. (LPG number obliterated). Airtel to Albany re Venceremos Brigade, 105-195696, date obliterated. *try LPG-9-3. 105-195696-0009*
18. Airtel 7/17/69 to SAC's NY, WFO, SF, CG from Director, re travel of U.S. citizens to Cuba. (As redacted in vault.) *(100-454734-1)*
19. Director (100-452121) to SAC NY (105-12905) b6 b7C
8/22/69 re [redacted] (As redacted in b7C
vault.) *(100-452121-8)*
20. Director to NY 11/29/67 re [redacted] IS b6
North Vietnam. *(105-175019-2)* b7C
21. 3 White House memoranda:
a. 12/19/74 Ford to AG
b. 2/3/77 Carter to AG
c. Carter to Vice President (Pres. Dir.
NSC-19).

Sincerely,

DIUGUID, SIEGEL & KENNELLY

Thomas A. Kennelly
Thomas A. Kennelly
Attorney for Defendant Miller

cc: Chief Judge Bryant (w/o encl.)
Mr. Gettings (w/o encl.)
Mr. Baron (w/o encl.)

Greenberg/Gray-6822

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ALL INFORMATION CONTAINED
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DATE 04-16-2009 BY 65179 dmh/baw/sbs

November 28, 1979

Mr. Bailey

Felt, W. Mark

Attached are copies of the following correspondence
on discovery/trial preparation issues:

1. Gettings 10/31/79 listing documents for trial (forwarded to FBI for action on 11/27/79).
2. Gettings 11/23/79 listing discovery documents for vault.
3. Kennelly 11/23/79 listing documents for both discovery and vault (furnished also with my 11/26/79 memo to you).
4. Department to Kennelly 11/26/79 re request for discovery in vault.
5. Department to both Kennelly and Gettings proposing a conference by 12/3/79 to identify documents and/or information required by the defense for trial.

J. Tierney

Enclosures

1 - Mr. Steel (Encs)
1 - Mr. Colwell (Encs)
1 - Mr. Boynton (Encs)
1 - Mr. Mintz (Encs)
1 - Mr. Bailey (Encs)
1 - Mr. Daly (Encs)
1 - Mr. Tierney (Encs)

APPROVED:
Director _____
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Exec. AD-Adm _____
Exec. AD-LES _____

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DATE 04-16-2009 BY 65179 dmh/baw/sba

Greenberg/Gray-6824

ENCLOSURE



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281(A)284, 282(A)319, 282(A)322, 283(A)328, 283(A)330, 283(A)331,
283(A)332, 283(A)338, 283(A)340, 283(A)341, 284(A)354, 284(A)357,
284(A)360, 284(A)363, 285(A)51, 285(A)52, 285(A)53, 285(A)54, 285(A)57,
285(A)58, 285(A)66, 286(A)376, 286(A)377, 286(A)380, 286(A)381,
286(A)386, 286(A)387, 286(A)388, 286(A)391, 286(A)397, 286(A)398,
287(A)424, 287(A)429, 287(A)435, 289(A)464, 289(A)465, 289(A)469,
290(A)488, 291(A)504, 291(A)514, 291(A)521, 292(A)532, 292(A)539,
292(A)541, 292(A)542, 292(A)543, 292(A)544, 292(A)545, 292(A)546,
292(A)547, 292(A)561, 292(A)566, 292(A)571, 292(A)584, 294(A)593,
295(A)615, 295(A)617, 295(A)620, 296(A)636, 296(A)638, 297(A)647,
297(A)648, 297(A)654, 299(A)673, 299(A)675, 299(A)677, 300(A)686,
300(A)691, 300(A)692, 300(A)695, 300(A)699, 300(A)701, 301(A)715,
301(A)720, 301(A)721, 301(A)724, 302(A)728, 302(A)732, 303(A)748,
303(A)752, 303(A)758, 304(A)761, 304(A)768, 304(A)775, 305(A)780,
305(A)795, 306(A)800, 306(A)801, 306(A)802, 307(A)812, 307(A)813,
307(A)820, 307(A)822, 307(A)823, 307(A)824, 307(A)825, 307(A)826,
307(A)827, 307(A)828, 307(A)829, 308(A)830, 308(A)831, 308(A)832,
308(A)833, 308(A)835, 308(A)841, 308(A)843, 308(A)845, 308(A)846,
309(A)847, 309(A)849, 309(A)851, 309(A)852, 309(A)855, 309(A)856,
310(A)866, 310(A)874, 311(A)889, 311(A)890, 311(A)891, 311(A)896,
311(A)898, 313(A)910, 313(A)923, 314(A)939, 314(A)940, 314(A)945,
315(A)953, 315(A)954, 315(A)961, 315(A)965, 316(A)317(A)1, 317(A)5,
317(A)6, 317(A)20, 317(A)21, 317(A)23, 317(A)29, 317(A)30, 317(A)41, b6
(317(A)60, 317(A)63, 317(A)64, 317(A)69, 317(A)70, 318A, 318B, 318C, b7C
(318D, 318E, 318F, 318G, 318H, 318I, 318J, 318K, 318L, 318M, 318N,
(319(A)6, 320(A)2, 321(A)14, 321(A)15, 321(A)16, 321(A)17, 321(A)19,
(321(A)29, 321(A)31, 321(A)34, 321(A)46, 321(A)47, 321(A)52, 322(A)1,
(322(A)3, 322(A)4, 322(A)5, 322(A)9, 322(A)10, 322(A)15, 322(A)18,
(322(A)19, 322(A)20, 322(A)24, 323(A)1, 323(A)2, 323(A)3, [REDACTED] Memo:
file, (324(A)1, 324(A)3, 325, 326(A)2, 326(A)3, 326(A)30, 327, 328,
(329(A)1, 330(A)4, 330(A)10, 330(A)11, 331(A)6, 331(A)7, 334(A)1,
(334(A)2, 334(A)3, 334(A)4, 334(A)5, 334(A)6, 334(A)7, 334(A)8, 334(A)9,
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October 31, 1979

John W. Nields, Jr., Esq.
F.B.I. Task Force
Department of Justice
Room 2304, Main
Washington, D.C. 20530

Dear John:

This responds to your letter of October 26, 1979 to Frank Dunham concerning our designation of documents that we intend to use at trial. I do not believe we ever agreed to make such a designation this far in advance of trial but, so long as the limitations on what we are now designating are understood, there is no harm in our view in giving you a preliminary listing. As of this date we believe we will rely in our case-in-chief on the documents set forth hereinafter. Most certainly as time goes on there will be numerous additions to this list and there will likely be a few deletions from it. In other words, this is strictly preliminary and by no means final. We expect that eventually we will be able to use these in totally unredacted form. Using your numbering system the documents are as set forth on the attached.

Very truly yours,

LEONARD, COHEN, GETTINGS & SHER

Brian P. Gettings

BPG:kw
Attachment

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/baw/sbs

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that under no circumstances should the Government's inability to make all classified proof available to you in exactly the form you desire result in a dismissal of the Indictment. It is incumbent upon all of us, therefore, to find a way of putting the information you wish to place before the jury in an appropriate form for trial.

I look forward to hearing from you.

Very truly yours,

John W. Nields, Jr.

John W. Nields, Jr.
Special Counsel
Criminal Division

cc: Chief Judge Bryant

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II.

I believe it is in your interest, the Government's interest and the Court's interest for us to go through the tedious process of attempting together to identify and resolve the classification problems pre-trial and to narrow the issues which need to be resolved by the Court.

As you know, it is the Government's position, supported by the law of this Circuit, that the thorough search of the home and papers of a citizen of the United States without a warrant (and without specific approval of the Attorney General) is and has always been a clear violation of the Fourth Amendment to the United States Constitution;*/ and that the number two and number three men at the nation's leading law enforcement agency are responsible for knowing such clear constitutional rules.**/ Since we can prove without any remote reference to classified material, and indeed since your clients have formally admitted, that they authorized a series of searches without warrants (or Attorney General authorization) of the homes of friends and relatives of certain Weatherman fugitives, we assert that there is no "mistake of law" defense available to Felt and Miller in this case.

We have not taken the position that the absence of any defense in this case should preclude you from offering certain evidence in the nature of excuse, mitigation or absence of responsibility to the jury and indeed we will find an unclassified form for much of the information you wish to put before the jury.***/ We do emphatically take the position, however,

*/United States v. Ehrlichman, 546 F.2d 910 (D.C. Cir. 1975).

**/Of course we also believe we can prove to a certainty that Miller and Felt in particular and the FBI in general knew that "bag jobs" on United States citizens were clearly illegal.

***/Of course, there are still some areas of proof which we will categorically contend are irrelevant and inadmissible and to which we will object at trial. It is not the purpose of the proposed meeting to discuss such areas of proof. The sole purpose is to identify exactly what information you wish to put before the jury so that our declassification task will be manageable.

documents which are cumulative, some which are not evidentiary and some which are unrelated to any issue previously raised by the defense. Indeed, Mr. Gettings has indicated that the list will probably be substantially shortened as he focusses more closely on the trial.

Moreover, some documents contain many pieces of information with classification problems but only one piece which will be of use to you at trial. If the Government attempted to resolve every classification issue raised in these 1,000 documents, without knowing if the information to which the problem relates will ever be used at trial, the trial would be inevitably and unnecessarily delayed. In addition, after the Government reached a solution to each such classification problem, the Court would be overwhelmed with an excessively and unnecessarily burdensome task of determining in each instance whether the resolution was satisfactory.

Accordingly, I suggest that Government counsel and counsel for Felt and Miller meet as soon as you are ready to do so, and no later than December 3, 1979, so that you may identify with further specificity the information, contained in the 1,000 documents or any other documents, which you wish to use at trial. Presumably this would include information concerning the national security threat posed by the Weatherman Organization, any transactions you rely on for your claim that the Weathermen are agents of a foreign power, information showing outside pressure on the FBI to catch the Weatherman fugitives, information tending to show that higher officials outside the FBI wanted it to engage in illegal entry or at least were aware that the FBI did illegal entries, information tending to show that Acting Director Gray authorized the illegal entries charged in the indictment and was therefore a member of the conspiracy, information tending to minimize Felt and Miller's responsibility for the illegal entries charged in the indictment, and other propositions in support of your "mistake of law" defense.

When the information you wish to use at trial is more narrowly identified, we can immediately begin the task of putting it in unclassified form for trial. Any disputes which arise over whether the form is satisfactory will then be brought before the Court in a focussed and manageable form.



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

ALL FBI INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 04-16-2009 BY 65179 dmh/baw/sbs

Address Reply to the
Division Indicated
and Refer to Initials and Number

JVN:ams
CRIM

November 26, 1979

Brian P. Gettings, Esquire
Thomas A. Kennelly, Esquire

Re: United States v. Felt, et al.

Dear Sirs,

I am writing to suggest a meeting among counsel for the Government and counsel for Felt and Miller to take place no later than December 3, 1979, as part of the process of putting the information contained in classified discovery documents into unclassified form for trial.

I.

I have indicated several times, e.g., in my letters dated July 16, 1979, and October 26, 1979, that the Government is ready to put into unclassified form for trial the information contained in the discovery documents which you wish to put before the jury. There can be no dispute over what information is - it is all contained in documents to which we all have access. Substantially all of it which will be of use to the defense can be put into unclassified form. However, the task of putting the facts in a form that protects the sources and methods of intelligence gathering is a very time consuming one - as I have previously indicated. It is for this reason that I requested by letters dated July 16, 1969, and October 26, 1969, that you each designate those documents which contain information which you wish to use at trial.

I now have Mr. Gettings' preliminary list of such documents by letter dated October 31, 1979. The list contains approximately 1,000 documents, some of many pages, the majority of which contain at least some classified information. The list appears to me to be excessive. It appears to contain some

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- ✓ 125. Letter; Dir. to Attorney General; DOJ Policy on ELSUR & SE; (2) 2/19/74
- ✓ 126. Memo; Kelley to Callahan; Meeting in Office of President; 12/20/74
127. Memo; Hansinger to Walsh; Edward S. Miller; former A-D, DAD (permanent brief); 2/6/75
128. Insert; for Mr. Adams; SE ("Black Bag" Jobs); (accomplishments in past); 6/19/75
- ✓ 129. Letter; Dir. to Assistant Attorney General; SE; 9/3/75
- ✓ 130. LHM (w/encl.); SE; 9/3/75
131. Letter; Dir. to Assistant Attorney General; SE; 1/7/76
132. LHM (w/encl.); SE; 1/7/76
133. Letter; Dir. to Assistant Attorney General; SE; 8/18/76
134. LHM (w/encl.); (Long for Gardner); Headquarters Review (DOJ file cabinet #13) (2 encl listed separately); 9/2/76
135. Memo (DOJ); Hoeber to File; Interview with William Branigan; 8/25/77
- ✓ 136. Memo; Peterson to Leavitt, Electronic Surveillance; 9/9/77
- ✓ 137. Letter (encl 5/27/72; Miller to Gray); Ryan to Boucher; Surreptitious Entry; 4/5/78

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- ✓ 102. Memo; Smith to Miller; PFIAB; 11/27/72
- ✓ 103. Memo; Smith to Miller; PFIAB; 11/30/72
- ✓ 104. Memo; Miller to Felt; PFIAB; 12/1/72 (2)
- ✓ 105. Memo; Miller to Felt; PFIAB; 12/1/72 (2)
- ✓ 106. Memo; Miller to Felt; PFIAB; 12/11/72
- ✓✓ 107. Memo; Vermeersch to SAC, New York; Bag Job; 12/11/72; 12/20/72; 3/8/72
108. Memo; Walters to Felt; Inspection - DID 8/18-9/1/72; 12/12/72
109. Letter; Dir. to Miller, no subject; (re: recent DID inspection); 12/13/72
110. Memo (w/encl.); Miller to Felt; IRMINT Study PFIAB; 1/3/73
111. Memo; Miller to Felt; Meeting with Attorney General; 1/10/73
- ✓ 112. Memo; Gregor to Miller; ____ MUN; 1/12/73
- ✓ 113. Memo; Putman to Miller; ____ MUN; 4/12/73
114. Letter; Dir. to Cox; Alleged Illegal Activities of Interest to the Special Prosecutor's Office; 7/3/73.
- ✓ 115. Memo; Putman to Miller; ____ MUN; 7/5/73
- ✓ 116. Memo; Smith to Miller; Dissem. of Info to SP, Watergate SPF; 8/22/73
- ✓ 117. Memo; Smith to Miller; Dissem. of Info to SP, Watergate SPF; 8/29/73
118. Memo; Petersen to Director; [] Watchlist; 9/7/73
- ✓ 119. Letter; Dir. to Attorney General; [] Watchlist; 9/10/73
- ✓ 120. Memo; Smith to Miller; Procedures [] Watchlist; 9/25/73
121. Memo; Attorney General to Dir.; Requests by FBI - [] Watchlist; 10/1/73
122. Letter; Director to NSA; [] Watchlist; 9/26/73
123. Position Paper; Surveys, Projects and for Intensification Programs 10/23/73
- ✓ 124. Letter; Dir. to Attorney General; DOJ Policy on ELSUR and SE; (2) 2/19/74

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80. Airtel; Acting Director to SAC, Albany; Revolutionary Activities; 7/13/72
81. Memo; Gray (Dir) to Felt; Weatherman; 7/18/72
82. Memo; Cleveland to Felt; (Foreign Source); 7/21/72
- ✓83. Memo; Shackelford to Miller; SDS; 7/21/72
84. Teletype; Dir. to Albany, et al.; SDS; 7/24/72
- ✓85. "Position Paper"; Thomas J. Smith; Domestic Intelligence Division; Scope of _____; 7/31/72
86. Memo; Moore to Miller; Foreign Influences; 8/11/72
87. Teletype; Dir. to Alexandria, et al.; Al Fatah; 9/7/72
88. Memo; Decker to Miller; Internal Security - Middle East; 9/20/72
89. Memo; Decker to Miller; Meeting of Interagency Group on Protection Against Terrorism in the United States; 9/29/72
90. Notes (handwritten); L.P. Gray, III to _____; no subject; (meeting with "CW" Felt-Miller); 10/3/72
91. Memo; Decker to Miller; CCCT; 10/6/72
92. Memo; Gregor to Miller; CCCT; 10/10/72
93. Memo; Gregor to Miller; CCCT; 10/13/72
94. Memo; Gregor to Miller; CCCT; 10/17/72
95. Memo; Gregor to Miller; CCCT; 10/19/72
96. Memo; Gregor to Miller; CCCT; 10/25/72
- ✓97. Memo; Gregor to Miller; CCCT; 10/30/72
98. Memo; Smith to Miller; CCCT; 10/31/72
- ✓99. Memo; Gregor to Miller; CCCT; 10/31/72
- ✓100. Memo; Branigan to Miller; Humint PFIAB; 11/10/72
101. Memo; Shackelford to Miller; Weatherman; 11/16/72

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66. Teletype; ; Dir., FBI to Dir. CIA; [redacted] 8/26/71 (?)
67. Memo; Ponder to Tolson; Insp.- DID, 8/17-9/9/71; 9-27-71
68. Photo; personnel file; Edward S. Miller; 9/27/71
69. Letter; Dir. to Miller; no subject (re: inspection); 9/28/71
- ✓70. Memo; Wannall to Miller; MUN; 10/21/71
71. LHM; New York; [redacted] 11/7/71
72. Airtel; Dir. to SAC, New York; [redacted]; 2/23/72 b6
b7C
73. Memo; Shackelford to Miller; 3/27/72
- ✓74. Memo; Miller to Rosen; PFIAB; 4/6/72
- ✓75. Memo; Shackelford to Miller; VB; 4/28/72 (?)
- ✓76. Memo; Shackelford to Miller; VB; 4/28/72 (?)
77. Airtel; Director to SAC, Albany; VB; 5/4/72
78. Airtel; Dir. to SAC, Albany; VB; 5/4/72
79. Airtel; SAC, Philadelphia to Acting Director; [redacted] 5/5/72
72. Memo; Shackelford to Miller; Weathfug; 5/8/72
73. Memo; Shackelford to Miller; [redacted] (fugitive); 6/8/72 b6
b7C
74. Memo; Shackelford to Miller; Weathfug; 6/12/72
75. Memo; Engelstad to Cleveland; Weathfug; 6/23/72
76. Agenda; Agenda for Conference at FBI Headquarters on Weatherman; 6/22/72
77. Insert; Desired recommendations which may result from Weatherman Conference; 6/22/72
78. Notes (handwritten); L.P. Gray, III; no subject; (meeting with Sullivan); 7/6/72
79. Airtel; Acting Director to SAC, Albany; Revolutionary Activities; 7/12/72

~~SECRET~~

Greenberg/Gray-6836

~~SECRET~~

- 3 -

(S)

- 44. Memo; SAC, Chicago to Director; SDS; 12/1/69
- 45. Letter (w/attachments); Hoover to Kissinger; SDS; 1/2/70
- 46. Letter; Hoover to ?: SDS; 1/21/70 (1)
- 47. Letter; Hoover to ?: SDS; 1/21/70 (2)
- 48. LHM; HQ; VE; 2/26/70
- ✓ 49. Memo; Hayes to Sullivan; New Left; 3/6/70
- 50. Report; New York; Michamin; 3/30/70
- ✓ 51. Memo; Wannall to Sullivan, MUN; 2/28/70
- ✓ 52. Letter; Hoover to President; New Left Kidnapping; 8/17/70 (2)
- ✓ 53. Letter; Hoover to President; New Left Kidnapping; 8/17/70 (2)
- ✓ 54. [redacted] b1
- 55. Report; Chicago; [redacted]; 4/15/71 b6 b7C
- 56. Memo; Brennan to Sullivan, Increased Utilization of ELSUR in Intelligence and Security Investigations; 7/18/71
- ✓ 57. Airtel; New York to Dir.; MUN; 7/22/71
- ✓ 58. LHM; New York; MUN; 7/22/71 (2)
- ✓ 59. LHM; New York; MUN; 7/22/71 (2)
- 60. LHM; New York; Foreign Influence; 8/20/71
- 61. Airtel; Dir., FBI to SAC, New York; Foreign Influence; 8/23/71 (3)
- 62. Airtel; Dir., FBI to SAC, New York; Foreign Influence; 8/23/71 (3)
- 63. Airtel; Dir., FBI to SAC, New York; Foreign Influence; 8/23/71 (3)
- 64. Teletype; ; Dir., FBI to Dir. CIA; [redacted] 8/26/71 (3)
- 65. Teletype; ; Dir., FBI to Dir. CIA; [redacted] 8/26/71 (3)

b6
b7C~~SECRET~~

Greenberg/Gray-6837

~~SECRET~~

- 2 -

21. Memo; Belmont to Boardman; subject excised (incentive award to B.J.); 9/16/59
22. Letter; Director to SAC, New York; Esp.; 7/22/66
- ✓ 23. Memo; Sullivan to DeLoach; Intelligence Operations; 2/15/68
- ✓ 24. Memo; Brennan to Sullivan; PFIAB; 3/19/68
- ✓✓ 25. Memo; Kearney to SAC, New York; Bag Jobs; 3/21/68; 3/21/68; 4/2/68; 5/16/68; 5/16/68; 5/22/68; 5/28/68; 5/30/68; 6/12/68
- ✓ 26. LHM; Miami; SDS; 3/21/68
27. Report; Chicago; SDS; 11/8/68
- ✓ 28. Letter; Dir. to SAC, Albany; New Left - Foreign Influence; 4/15/69
- ✓✓ 29. Memo; Hoover to Tolson, et al.; President (telephone conv.); 4/23/69 (2)
- ✓✓ 30. Memo; Hoover to Tolson, et al.; President (telephone conv.); 4/23/69 (2)
31. Position Paper; Foreign Support for Revolutionary; 6/30/69
32. Letter; Director to Huston; Foreign Communist Support; 7/1/69
33. Report; Chicago; [redacted]; 8/14/69 b6 b7C
- ✓ 34. Memo & LHM; SAC, Chicago to Dir.; Ad Hoc Committee; 8/29/69
- ✓ 35. Letter; PFIAB to Dir.; no subject (re: for influ in NL); 10/31/69
- ✓ 36. Memo; Brennan to Sullivan; New Left - Foreign Influence; 11/3/69
- ✓ 37. Letter; Dir. to SAC, Albany; New Left - Foreign Influence; 11/4/69
38. Memo; Cotter to Sullivan; SDS; 11/6/69
- ✓ 39. Memo; Brennan to Sullivan; Foreign Support for Revolutionary Protest Movements in the United States; 11/6/69
40. Letter; Dir. to PFIAB (Hoover to Coyne); no subject; (for support of protest groups); 11/7/69
41. Position Paper; Foreign Support for Revolutionary; 11/21/69

~~SECRET~~

Greenberg/Gray-6838

~~SECRET~~

- ✓ 1.. Insert; T.J. Smith; Microphone Surveillances; undated
- ✓ 2. Insert; Internal Constraints; undated
- ✓ 3. Insert; Reasons Number 7; undated
- ✓ 4. Insert; Ruckelshaus Number 7; undated
- 5. Insert; Personnel File Summary; Edward S. Miller; 11/27/50-forward
- ✓ 6. Letter; Dir. to AG; subject excised (results of) 11/9/54
- 7. Memo; San Fran. to Dir.; subject excised (commendation for B.J.) 4/6/56
- 8. Letter; San Fran. to Dir.; Rec for Incentive Award; Edward S. Miller; 10/2/56
- 9. Letter; San Fran. to Dir.; subject excised (commendation for B.J.) 10/2/56
- 10. Letter; San Fran. to Dir.; subject excised (incentive award for B.J.); 2/18/57
- 11. Letter; San Fran. to Dir.; Rec for Incentive Award; Edward S. Miller; 6/18/57
- 12. Letter; San Fran. to Dir.; subject excised (incentive award for B.J.); 6/18/57
- 13. Letter; San Fran. to Dir.; subject excised (incentive award for B.J.); 9/10/57
- 14. Memo; Fletcher to SAC; San Fran. - [excised] (incentive for B.J.); 2/5/58
- 15. Letter; San Fran. to Dir.; Edward S. Miller; 3/10/58
- 16. Memo; Edwards to Mohr; Edward S. Miller (incentive award) 4/3/58
- 17. Letter; Hoover to Miller; no subject (commendation) 6/6/58
- 18. Letter; San Fran. to Dir.; subject excised (commendation for B.J.); 7/22/58
- 19. Letter; Hoover to Miller; no subject (commendation letter) 8/1/58
- 20. Memo; Edwards to Mohr; Supervisory Organization; San Francisco Division; 8/20/58

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1)
DATE 04-16-2009

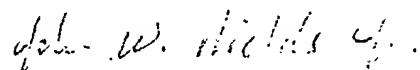
~~SECRET~~

Greenberg/Gray-6839

over classified documents for trial until counsel have made an effort to narrow and solve as many such issues as possible.

I am sending to both you and Mr. Gettings a letter of today's date addressing the issue of trial proof suggesting a meeting among counsel on December 3, 1979. I urge you by then to have identified information in the discovery documents which you actually wish to introduce at trial, so that the Government's declassification task may become manageable and the task of the Court in resolving any disputes between us also becomes manageable.

Sincerely,



John W. Nields, Jr.
Special Counsel
Criminal Division

cc: Brian P. Gettings, Esq. w/attachments
Chief Judge Bryant w/ attachments

Greenberg/Gray-6840

the weekend, we have sorted out your documents and made an inventory which I have attached. The documents which are checked were already in the vault in unredacted form. The ones with two checks have actually been sent to you in unredacted form. The Claim of Privilege document is marked with three checks. The remainder will be placed in the vault by the end of the day Friday, November 30, 1979, as required by the Order. See Fed. R. Crim. P. Rule 45(a).^{2/} Should any small portion of these documents require some redaction even in the vault, they will of course be delivered to the Court by Friday. The documents listed in your letter but not attached will be handled in a similar fashion.

In addition to the documents which you have attached to your letter, I have, as I represented in my letter of September 13, 1979, gone through the discovery documents from the substantive files on the Weathermen and identified those redactions which relate to "foreign involvement" or other issues you have previously identified as being of interest to you. The documents containing those redactions will also be placed in the vault in unredacted form on Friday, November 30, 1979. Finally, a review of the discovery documents has turned up a few additional redactions in non-Weatherman files. Substantially all of these documents will also be placed in the vault in unredacted form by Friday, November 30, 1979. Any remaining redactions in such documents will, of course, be shown to the Court. Accordingly, by Friday, November 30, 1979, you should have access to all materials, including those relating to the Weatherman, which are properly discoverable.

II.

Your letter indicates that you will probably want to use the documents attached and others to be identified later at trial. The effort at putting the information you wish to use at trial into unclassified form is, as has been noted by all of us and by the Court, an effort very different from the effort to make information available to you classified or unclassified as discovery. We should avoid burdening the Court with disputes

^{2/}Where you delivered to us more than one copy of the same document the number (2) or (3) as the case may be appears after the document on the inventory.



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

JVN:ams
CRIM

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/baw/sbs

November 26, 1979

Thomas A. Kennelly, Esquire
Diuguid, Siegel & Kennelly
1000 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: United States v. Felt, et al
Cr. 78-000179

Dear Mr. Kennelly,

I.

I have your letter of November 23, 1979, in which you state that you enclose redacted documents pursuant to paragraph 4 of the Supplementary Protective Order (the Order) of November 5, 1979. The documents should, according to the Order, have been redacted documents which have not been placed in the vault in unredacted form by the Government pursuant to the Order, and which you would like to obtain greater access to - i.e., see in unredacted form.

A brief review of the documents attached to your letter revealed that many of them have already been placed in the vault in unredacted form pursuant to the Order, some have actually been delivered to you in unredacted form, and one is the subject of a Claim of Privilege and is before the Court already. The task of determining which of the documents attached to your letter have already been seen by you in unredacted form was made considerably more difficult by the fact that you supplied us with no inventory, the documents were in no particular order, some documents consisting of several pages were unstapled while other which were stapled included more than one document, and sometimes the same documents appeared two or three times in different places in your package. Over

Greenberg/Gray-6842

REQUESTED DOCUMENTS TO BE PLACED IN VAULT

31A, 83, 134, 136, 153(A)25, 153(A)28, 153(A)31, 153(A)34, 153(A)35,
153(A)39, 153(A)56, 153(A)58, 153(A)59, 153(A)83, 153(A)104, 153A,
176G, 176H, 209(A)9, 209(A)20, 209(A)51, 209(A)59, 209(D)13, 209(D)15,
216(A)44, 216(A)54, 216(A)61, 216(A)79, 218(A)19, 218(A)40, 218(A)71,
218(A)71, 218(A)73, 218(A)74, 218(A)75, 218(A)81, 218(A)82, 218(A)84,
218(A)103, 218(A)104, 218(A)107, 218(A)117, 218(A)122, 218(A)130,
218(A)141, 218(A)145, 218(A)145, 218(A)149, 218(A)156, 218(A)161,
218(A)164, 218(A)167, 218(A)205, 218(A)228, 218(A)235, 218(A)239,
220K, 220(N)4, 220(N)24, 220(N)26, 220(N)31, 220(N)36, 221C, 221D,
221E, 221F, 221J, 221L, 224, 225(A)2, 225(A)3, 225(A)5, 225(A)7,
225(A)8, 225(A)9, 225(A)10, 225(A)13, 225(A)14.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-6848

John W. Nields, Jr., Esq.
November 23, 1979
Page Two

Further, to the extent that the government contends that the appearance of Mr. Felt's initials on a document constitute acceptance, agreement, or ratification of the content contained therein, we contend that these documents are statements of the defendant pursuant to Rule 16B of the Federal Rules of Criminal Procedure and that, absent an order from the Court to the contrary, we are entitled to possession in unredacted form of all such statements of the defendant that relate in any way to the issues which you well know we intend to raise at trial. Further, any documents written by prospective government witnesses which relate to the subject matters of this case in their broadest sense, are Jencks material and should be turned over to us pursuant to 18 U.S.C. 3500, absent an order of the Court to the contrary. We believe we are entitled to documents in this category in unredacted form. If you do not provide us with what we consider to be 16B material, i.e. statements of the defendant Felt in completely unredacted form, we will assume that you do not intend to use such documents at trial either in your direct case or on cross examination. Concomitantly, if you do not furnish us with documents written by witnesses you previously indicated you might call at trial, we will assume that you no longer intend to call that witness.

Sincerely,

LEONARD, COHEN, GETTINGS & SHER

Brian P. Gettings
Brian P. Gettings

Frank W. Dunham, Jr.
Frank W. Dunham, Jr.

Mark D. Cummings
Mark D. Cummings

FWD:kw
Attachment

cc: Chief Judge William B. Bryant
Thomas A. Kennelly, Esq.

*Reid Nov. 26
JWWF-*

Greenberg/Gray-6849

LAW OFFICES
LEONARD, COHEN, GETTINGS AND SHER

SUITE 550

1700 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006

(202) 672-1095

November 23, 1979

JERRIS LEONARD
HARVEY B COHEN
BRIAN P. GETTINGS
DAVID E. SHER
WILLIAM L. STAUFFER, JR.
JOANNE F ALPER
JAMES T. DEVINE
FRANK W DUNHAM, JR.
MARK D CLIMMINGS*
WALLACE H. KLEINDIENST
*MEMBER VAGNA BAR ONLY

VIRGINIA OFFICES
1400 NORTH UHLER STREET
COURTHOUSE SQUARE
ARLINGTON, VIRGINIA 22216
(703) 525-2260

John W. Nields, Jr., Esq.
F.B.I. Task Force
Department of Justice
Room 2304, Main
Washington, D.C. 20530

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/baw/sbs

Dear John:

Attached is the first list of documents we desire to see in unredacted form. These documents were not among those originally placed in the vault for our inspection. It is requested that you place them in the vault in unredacted form in accordance with the terms of the Court's Order. As you can see from reviewing the list, we have been highly selective in preparing our list. We would hope that, having limited the number of our requests, that you would do everything you can do to accommodate these requests.

We will be working over the weekend and will transmit to you on Monday, November 26 another listing. We hope that Monday's transmittal will be our final request. We cannot state with assurance, however, that we will not request you to send additional documents to the vault in unredacted form, especially because we have only recently received certain documents from you and because you have not identified the witnesses you intend to call at trial. I am sure that if you were to provide us with a list of government witnesses, we would be able to complete our requests in short order.

In addition to the foregoing, we also note that we are unable, in many instances, to tie particular documents you have given us to the documents referred to in the grand jury testimony we have been furnished as Jencks and Brady material. What we need is a cross reference between the grand jury exhibit number and the discovery document number.

Additionally, we renew our request for [REDACTED] grand jury testimony and any documents referred to during that grand jury appearance. We believe that [REDACTED] testimony contains details which he many not now recall but which are of significant relevance to our defense and we ask you to carefully consider whether your Brady obligation is fully satisfied at this time in light of this particularized request.

b3
b6
b7c

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. *WLB*
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

Memorandum

TO : MR. BOYNTON

DATE: 12/4/79

FROM : W. L. Bailey *WLB*

SUBJECT: U. S. vs FELT ET AL

*O. J. Felt
W. MARK Felt
W. L. Bailey
pm 4/859*

The purpose of this memorandum is to advise of the current status of captioned matter.

Currently, the Department is responding to two aspects of trial preparation of this case. The first is preparation of selected documents for storage in the Department vault as provided for in the supplemental protective order. The second is processing discovered documents for trial disclosure. These documents have been identified by the defense as being needed for use in court in the defense of their clients.

As to the first category, these documents are being processed on five-day deadline. To date, these deadlines have been met.

The second category of documents is now being prepared for review by substantive divisions. Many of these documents are going to present substantial difficulty from a disclosure standpoint. For example, some documents will contain sufficient information to identify a live source. Since the defense has identified the documents as being essential for trial, they will have to be reviewed for a determination as to whether trial disclosure of document is possible. Various options are available such as disclosure with certain information redacted. These documents will have to be reviewed by the Intelligence, Planning and Inspection, and Criminal Investigative Divisions so that this determination can be made. It is imperative

1 - Mr. Boynton
1 - Mr. Colwell *WLB*
1 - Mr. Steel
1 - Mr. Cregar
1 - Mr. Mintz *WLB*

62-118045-234 DEC 20 1979
1 - Mr. Mullen
1 - Mr. Otto
1 - Mr. Bailey
1 - Mr. Daly
1 - Mr. Tierney

*PVD:jam
(11)
66 JAN 4 1980*

40 DALY
(CONTINUED - OVER)

62-118045

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
Greenberg/Gray-6851

FBI/DOJ

W. L. Bailey to Mr. Boynton Memorandum
Re: U. S. vs Felt Et Al

that review be thorough, expeditious and the Bureau's position be realistic, since it may be necessary to answer questions raised by the Department. A like review will be necessary for those documents to be used in the trial by the prosecution. The Department, as yet, has generally not identified those documents.

Ultimately, it is anticipated that with certain documents the decision will have to be reviewed by the Director, especially where the Department is urging an exception to existing policy.

RECOMMENDATION:

For information.

APPROVED: *WLB* Adm. Serv. _____
Director _____ Crim. Inv. _____ Legal Coun. _____
Exec. AD-Inv. *B* Ident. _____ Plan. & Insp. _____
Exec. AD-Adm. *B* Intell. _____ Rec. Mgmt. *WLB* Tech. Servs. _____
Exec. AD-LES _____ Laboratory _____ Training _____
 Public Affs. Off. _____

UNITED STATES GOVERNMENT

memorandum

DATE: December 10, 1979

REPLY TO
ATTN OF: Francis J. Martin
Criminal Division

SUBJECT: Jencks Discovery

TO: Paul V. Daly
Federal Bureau of Investigation

FEDERAL GOVERNMENT

FJM

W. Mark Felt

Kindly process the attached interview of Robert
Shackelford for Jencks Discovery as soon as possible.

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/baw/sbs

Thanks

Renewed returned
to Martin 12/11/79
Classified Confidental

(2)

62-118045 235
FBI
FBI

DEC 20 1979



50 NOV 07 1980

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

* U.S. Government Printing Office: 1977-241-530/3474

Greenberg/Gray-6853

OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : Mr. Boynton

DATE: 12/11/79

FROM : W. L. Bailey

SUBJECT: U. S. vs. W. MARK FELT, et al.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. *WLB* _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

Purpose is to advise of receipt of a subpoena from the defense in captioned matter (copy attached).

The subpoena calls for the production of documents on January 2, 1980, at the U. S. District Court for the District of Columbia. The subpoena itself is classified "Top Secret" requiring a compartmented clearance for access. A substantial number of the documents are similarly classified.

The Department and NSA are in receipt of similar subpoenas. Prosecutor John Nields has been furnished a copy of the subpoena and arrangements have been made for compliance.

RECOMMENDATION:

For information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/baw/sbs

Enc.

- 1 - Mr. Boynton
- 1 - Mr. Steel
- 1 - Mr. Mintz
- 1 - Mr. Cregar
- 1 - Mr. Mullen
- 1 - Mr. Bailey
- 1 - Mr. Tierney
- 1 - Mr. Daly

APPROVED:

Director *WLB*
Exec. AD-Inv. *WLB*
Exec. AD-Adm. *WLB*
Exec. AD-LES *WLB*

Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. _____
Plan. & Insp. *WLB*
Rec. Mgmt. *WLB*
Tech. Servs. _____
Training _____
Public Affs. Off. _____

DC

WLB PYD:mjl (9)

60 NOV 7 1980

62-118045

62-118045-236

6 JAN 24 1980



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
Greenberg/Gray-6854

5 JAN 24 1980

FBI/DOJ

12/31/79

To: Mr. Boynton *B*

From: W.L. Bailey

MARK FELT *Enclosure detailed & handled separately*

Attached letter* from attorneys for Mr. Felt withdraws their subpoena issued 12/7/79 to Paul Daly which was returnable 1/2/80.

Areas of the subpoena which the defense indicates will be changed in some way are: NSA materials (2), membership lists (8), 56 specified documents (12 and 13), documents involved in the [redacted] case (15), and the actual documents which were the subject of the first and second claims of privilege in this case (16).

b6
b7C

Copy of unclassified portion of the subpoena, keyed as above, is attached to letter.

6 JAN 24 1980

- * Copy furnished Ms. Nielsen [redacted]
1 - Mr. Boynton (Enc.)
1 - Mr. Steel (Enc.)
1 - Mr. Mintz (Enc.)
1 - Mr. Cregar (Enc.)
1 - Mr. Mullen (Enc.)
1 - Mr. Bailey (Enc.)
1 - Mr. Tierney (Enc.)
1 - Mr. Daly (Enc.)

25 NOV 07 1980

56 JAN 24 '80

Greenberg/Gray-6855

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : Mr. Boynton

DATE: 12/12/79

FROM : W. L. Bailey

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/baw/sbs

SUBJECT: U. S. vs. W. MARK FELT, et al.

Exec AD Adm.	✓
Exec AD Inv.	_____
Exec AD LES	_____
Asst. Dir.:	_____
Adm. Servs.	_____
Crim. Inv.	_____
Ident.	_____
Intell.	_____
Laboratory	_____
Legal Coun.	_____
Plan. & Insp.	W
Rec. Mgmt.	✓
Tech. Servs.	_____
Training	_____
Public Affs. Off.	_____
Telephone Rm.	_____
Director's Sec'y	_____

The purpose of this memorandum is to advise the Department of our position regarding trial disclosure of the attached memoranda.

In connection with the forthcoming trial in captioned matter, John Nields, prosecutor for the Department, furnished two versions of one FBI memorandum which the Government desires to use in this case. According to Nields, this is the only potentially classified document intended for use by the Government in prosecuting this case.

The memorandum in question is W. C. Sullivan to C. D. DeLoach dated 7/19/66, captioned "Black Bag" Jobs. In the two versions the Department has made deletions and in some instances substituted language for deleted material. The deletions and substituted language tracks the motions in limine adopted by the Court in this matter. One version discloses greater classified material than the other, however, both versions are properly classified as indicated. The Intelligence Division has reviewed the memorandum and interposed no objection to trial disclosure of either version.

The Intelligence Division correctly pointed out that the classification primarily arises out of National Security Agency (NSA) concerns and that agency should be consulted. In view of this we should advise the Department that both versions of the memorandum are properly classified and that we do not object to trial use; however, the NSA should be consulted.

RECOMMENDATION:

ENCLOSURE

The Department be advised in accordance with the above.

Enc.

Nields
advised
12/16/79

- 1 - Mr. Colwell
- 1 - Mr. Boynton
- 1 - Mr. Mintz
- 1 - Mr. Cregar
- PVD:mjl(8)

- 1 - Mr. Bailey
- 1 - Mr. Tierney
- 1 - Mr. Daly

APPROVED

WJS
Director
Exec. AD-Inv.
Exec. AD-Adm.
Exec. AD-LES

Adm. Serv. _____
Crim. Inv. _____

Ident. _____
Intell. WJS
Laboratory _____

Legal Coun. JWS
Plan. & Insp. _____
Rec. Mgmt. WJS
Tech. Servs. _____
Training _____
Public Affs. Off. _____



JAN 31 1980

U.S. Savings Bonds Regularly on the Payroll Savings Plan
Greenberg/Gray-6856

FBI/DOJ

UNITED STATES GOVERNMENT

ROUTE IN ENVELOPE

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 04-16-2009

1. Date _____
2. DeLoach _____
3. Tolson _____
4. Nick _____
5. Cosper _____
6. Callahan _____
7. Conrad _____
8. Felt _____
9. Clegg _____
10. Rosen _____
11. Sullivan _____
12. Tamm _____
13. Trotter _____
14. Tolson, Reba _____
15. Holmes _____
16. Gandy _____

Memorandum

Mr. C. D. DeLoach

A DATE July 19, 1966

DO NOT FILE

W. C. Sullivan

DeLoach

Sullivan

RE: "BLACK BAG" JOBS (u)

The following is set forth in regard to your request concerning what authority we have for "black bag" jobs and for the background of our policy and procedures in such matters. (u)

We do not obtain authorization for "black bag" jobs from outside the Bureau. Such a technique involves trespass and is clearly illegal; therefore, it would be impossible to obtain any legal sanction for it. Despite this, "black bag" jobs have been used because they represent an invaluable technique in combating subversive activities of a clandestine nature aimed directly at undermining and destroying our nation. (u)

The present procedure followed in the use of this technique calls for the Special Agent in Charge of a field office to make his request for the use of the technique to the appropriate Assistant Director. The Special Agent in Charge must completely justify the need for the use of the technique and at the same time assure that it can be safely used without any danger or embarrassment to the Bureau. The facts are incorporated in a memorandum which, in accordance with the Director's instructions, is sent to Mr. Tolson or to the Director for approval. Subsequently this memorandum is filed in the Assistant Director's office under a "Do Not File" procedure. (u)

In the field the Special Agent in Charge prepares an informal memorandum showing that he obtained Bureau authority and this memorandum is filed in his safe until the next inspection by Bureau Inspectors, at which time it is destroyed. (u)

62-118045-239

EJS/pcn

(2) pen

CONTINUED — OVER

ENCLOSURE

Greenberg/Gray-6857

Memorandum to Mr. C. D. DeLoach
Re: "BLACK BAG" JOBS

We have used this technique on a highly selective basis, but with wide-range effectiveness, in our operations. We have several cases in the espionage field, for example, where through "black bag" jobs we determined that suspected illegal agents actually had concealed on their premises the equipment through which they carried out their clandestine operations.] (u)

Also through the use of this technique we have on numerous occasions been able to obtain material held highly secret and closely guarded by subversive groups and organizations which consisted of membership lists and mailing lists of these organizations. (u) (2)

This applies even to our investigation of the Ku Klux Klan. You may recall that recently through a "black bag" job we obtained the records in the possession of three high-ranking officials of a Klan organization in a southern state. These records gave us the complete membership and financial information concerning the Klan's operation which we have been using most effectively to disrupt the organization and, in fact, to bring about its near disintegration (u). It was through information obtained through our "black bag" operations that we obtained the basic information used to disrupt a subversive organization. (u)

Through the same technique we have recently been receiving extremely valuable information concerning political developments in a foreign affairs area and we also have been able to use it most effectively in a number of instances.

CONTINUED — OVER

Memorandum to Mr. C. D. DeLoach
re: "BLACK BAG" JOBS

recently through which we have obtained information concerning
growing XYZ country intelligence activities directed
at this country.] (S)

In short, it is a very valuable weapon which we have
used to combat the highly clandestine efforts of subversive
elements seeking to undermine our Nation. (U)

RECOMMENDATION:

For your information. (u)

UNITED STATES GOVERNMENT

ROUTE IN ENVELOPE

Memorandum

Mr. C. D. DeLoach

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 04-16-2009

DATE July 19, 1966

DO NOT FILE

To: H. C. Sullivan

C. D. DeLoach
H. C. Sullivan

The following is set forth in regard to your request concerning what authority we have for "black bag" jobs and for the background of our policy and procedures in such matters. (u)

We do not obtain authorization for "black bag" jobs from outside the Bureau. Such a technique involves trespass and is clearly illegal; therefore, it would be impossible to obtain any legal sanction for it. Despite this, "black bag" jobs have been used because they represent an invaluable technique in combating subversive activities of a clandestine nature aimed directly at undermining and destroying our nation. (u)

The present procedure followed in the use of this technique calls for the Special Agent in Charge of a field office to make his request for the use of the technique to the appropriate Assistant Director. The Special Agent in Charge must completely justify the need for the use of the technique and at the same time assure that it can be safely used without any danger or embarrassment to the Bureau. The facts are incorporated in a memorandum which, in accordance with the Director's instructions, is sent to Mr. Tolson or to the Director for approval. Subsequently this memorandum is filed in the Assistant Director's office under a "Do Not File" procedure. (u)

In the field the Special Agent in Charge prepares an informal memorandum showing that he obtained Bureau authority and this memorandum is filed in his safe until the next inspection by Bureau Inspectors, at which time it is destroyed. (u)

Our most comprehensive use of this technique and a measure of the outstanding success we have achieved with it involves its use in the "A" program. This involves the surreptitious entry of premises utilized by aliens who are known

RJS/pcn

(S) fcn

CONTINUED — OVER

Greenberg/Gray-6860

Memorandum to Mr. C. D. DeLoach.

Re: "BLACK BAG" JOBS

agents of a foreign power. The searches of such premises are conducted at the request of another government agency, but are also of value to us through the intelligence information obtained. We have been operating this program for twelve years and to date the information obtained has been of assistance to the government agency which has requested these searches.

In addition, the intelligence value of the information received has been beyond calculation. (S)

We have used this technique on a highly selective basis, but with wide-range effectiveness, in our operations. We have several cases in the espionage field, for example, where through "black bag" jobs we determined that suspected illegal agents actually had concealed on their premises the equipment through which they carried out their clandestine operations. (X)

Also through the use of this technique we have on numerous occasions been able to obtain material held highly secret and closely guarded by subversive groups and organizations which consisted of membership lists and mailing lists of these organizations. (u)

This applies even to our investigation of the Ku Klux Klan. You may recall that recently through a "black bag" job we obtained the records in the possession of three high-ranking officials of a Klan organization in a southern state. These records gave us the complete membership and financial information concerning the Klan's operation which we have been using most effectively to disrupt the organization and, in fact, to bring about its near disintegration (u)

It was through information obtained through our "black bag" operations that we obtained the basic information used to disrupt a subversive organization. (u)

Through the same technique we have recently been receiving extremely valuable information concerning political developments in a foreign affairs area and we also have been able to use it most effectively in a number of instances.

CONTINUED — OVER

Memorandum to Mr. C. D. DeLoach
re: "BLACK BAG" JOBS

recently through which we have obtained information concerning
growing xyz country intelligence activities directed
at this country. (X)

In short, it is a very valuable weapon which we have
used to combat the highly clandestine efforts of subversive
elements seeking to undermine our Nation. (U)

RECOMMENDATION:

For your information.



ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/baw/sbs

Exec. AD-Int
Exec. AD-Adm.
Exec. AD-LES
Asst. Dir.:
Adm. Servs.
Crim. Inv.
Ident.
Intell.
Laboratory
Legal Coun.
Plan & Insp.
Rec. Mgmt.
Tech. Servs.
Training
Public Affs. Off.
Telephone Rm.
Director's Sec'y

Office of the Attorney General
Washington, D. C. 20530

December 5, 1979

FEDERAL GOVERNMENT

Honorable William H. Webster
Director
Federal Bureau of Investigation
Room 7176, J. Edgar Hoover Building
9th & Pennsylvania Avenue, N.W.
Washington, D. C.

Dear Judge Webster: *W. Mark Felt*

*#38
12-21-79*
As you know, the trial in United States v. Felt and Miller is scheduled to begin in January, 1980. The trial team, headed by John Nields, has been working closely with the Bureau in preparation for discovery and trial, and I am advised that they have received excellent cooperation.

62-118045-240
We are now at a crucial stage in which key documents needed by the prosecution and by the defense must be processed, including declassification, redaction and summarization, on an expedited basis. I would appreciate your assistance in helping to insure that this process is accomplished as expeditiously as possible, and particularly that decisions concerning the treatment of classified material are made in a manner which, while fully consistent with national security concerns, is appropriately sensitive to the requirements of this important prosecution. It would be particularly helpful if Paul Daly, who has been so extraordinarily helpful to the prosecutors throughout their work, could be made available on a full-time basis ~~as of~~ ²⁴ 1980 during this period of intensive preparation.

Sincerely,

Benjamin R. Civiletti

Benjamin R. Civiletti
Attorney General

*Led to AG
12-12-79
PVD: jwm*

32
59 JAN 31 1980

J. D. G.
Greenberg/Gray-6863

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : Mr. W. L. Bailey

FROM : R. P. Finzel

SUBJECT: UNITED STATES v. W. MARK FELT, et al.
DISCOVERY PROCEEDING, TRIAL
PREPARATION

DATE: 12/5/79

- 1 - Mr. H. A. Boynton
- 1 - Mr. A. L. Steel
- 1 - Mr. J. A. Mintz
- 1 - Mr. P. Daly
- 1 - Mr. W. L. Bailey
- 1 - Mr. J. L. Tierney
- 1 - Mr. L. E. Dean

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. *B*
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
None Rm. _____
Sec'y _____

b6
b7C

PURPOSE: To advise that at Departmental request the FBI is evaluating classifiability of material in 29 subject areas regarding foreign influence on Weatherman. Review, involving appropriately 17 volumes of documents, scheduled for completion on or about 12/18/79.

DETAILS: On 12/4/79, Departmental Attorneys Francis Martin and Daniel Friedman conferred with Section Chief Finzel to request Bureau evaluation of the classifiability of Departmental write-ups of 29 subject areas of foreign influence on Weatherman. The Department had summarized and grouped material from 17 volumes of documents into a synopsized version of approximately 50 legal length pages particularizing foreign influence on Weatherman in 29 areas. The Department intends to, in the near future, make a substantive proposal to the defense in this matter regarding classifiability of foreign influence on Weatherman. The Departmental Attorneys requested expeditious Bureau evaluation of the classification of their write-ups. Finzel advised these Attorneys that the Bureau will cooperate in this matter and afford it priority attention.

One Special Agent, four classification analysts, and two clerical personnel have been assigned as of this date to conduct classification review. Tentative completion dated 12/18/79.

RECOMMENDATION: None. For information.

6 OCT 14 1980

APPROVED:

Director _____
Exec. AD-Inv. *A*
Exec. AD-Adm. *A*
Exec. AD-LIS *A*

Adm. Serv. _____

Crim. Inv. _____

Ident. _____

Intell. _____

Laboratory _____

Legal Coun. _____

Plan. & Insp. *WLB*

Rec. Mgmt. *WLB*

Tech. Servs. _____

Training _____

Public Affs. Off. _____

b6
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KIK:jmh/jrh
(8)
4 NOV 14 1980

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
Greenberg/Gray 6864

FBI/DOJ

FEDERAL GOVERNMENT

The Attorney General

December 12, 1970

Director, FBI

U. S. vs DALEY ET AL

W. MINTZ

In accordance with your letter of December 5, 1970, I have made Paul Daly available on a full-time basis for trial preparation purposes.

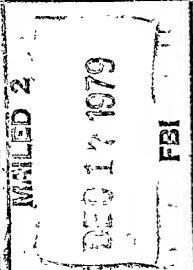
Decisions concerning disclosure or nondisclosure of sensitive materials during trial will be made on an expeditious basis. As you are no doubt aware, in many instances, other U. S. Government agencies will have the responsibility for that determination. In view of this, I would suggest you also communicate your desires to those agencies.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/baw/sbs

JMP

60-118045-241

PVD
 1 - Mr. Bailey 6 JAN 24 1980
 1 - Mr. Daly _____
 1 - Mr. Tierney _____



UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : Assistant Director
Records Management Division

FROM : Legal Counsel *JAM*

SUBJECT: U.S. v. W. MARK FELT, et al.

DATE: 12-20-79

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

JOANNE KINOY, et al., v.
JOHN N. MITCHELL, et al.
(U.S. D. C., S.D.N.Y.)
CIVIL ACTION NO. 70-CIV-5698

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/baw/sbs

C
John Nields, prosecutor in the Miller, Felt, Gray case requested access to documentation of claims of executive privilege executed by the Attorney General in the Kinoy case where such claims concern surreptitious entries.

I caused the documentation to be located and this matter to be discussed with David White the Department attorney representing the Government in the Kinoy case. With White's concurrence, the attached documents may be reviewed by Nields. These materials are under seal in the Kinoy case; therefore, I request that they not be made a part of the files of the prosecutor or furnished him for use in the prosecution without prior specific approval by me and by David White.

RECOMMENDATION:

That Paul Daly and/or Joe Tierney make these documents available for review by John Nields under the conditions indicated above. *62-118045-242*

Enclosure

- 1 - Civil Litigation Unit II
- 1 - Mr. Bailey
- 1 - Mr. Mintz

JAM:bpr

(4)

ENCLOSURE

59

JAN 31 1980

APPROVED:

Director _____
Exec. AD-Inv. _____
Exec. AD-Adm. _____
Exec. AD-LES _____

Adm. Serv. _____
Crim. Inv. _____

Ident. _____
Intell. _____
Laboratory _____

Legal Coun. *JAM*
Plan. & Insp. _____
Rec. Mgmt. *WPHB*
Tech. Servs. _____
Training _____
Public Affs. Off. _____

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
Greenberg/Gray-6866

FBI/DOJ

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Boynton

FROM : W. L. Bailey

SUBJECT: U. S. VS. W. MARK FELT, ET AL.
TRIAL PREPARATION

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

- 1 - Mr. Boynton
1 - Mr. Colwell
1 - Mr. Steel
DATE: 12/26/79
1 - Mr. Cregar
1 - Mr. Mintz
1 - Mr. Mullen
1 - Mr. Bailey
1 - Mr. Tierney

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
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Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

C
PURPOSE:

To advise of receipt of two court orders and their contents in captioned matter.

RECOMMENDATION:

None. For information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/baw/sbs

APPROVED: *W.L.B.*
A'n Serv. _____
Crim. Inv. _____
Director _____
Ex-Ad. Inv. _____
Ex-Ad. Mgmt. *WB*
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. *WB*
Tech. Servs. _____
Training _____
Public Affs. Off. _____

DETAILS:

Attached are two court orders issued in captioned matter on 12/21/79 by Chief Judge William Bryant. One court order overrules the Government's claims of privilege as to two documents. These documents contain information received from foreign governments. Judge Bryant notes that "claims of privilege have not been afforded absolute status" by the courts and that in balancing interests of the defense it is necessary for the defense to be furnished the information contained in the documents. Judge Bryant allows that the documents can be redacted to protect the foreign government source as has been done with other documents in case.

By way of background, during the early phases of discovery the defense was inadvertently given access to some foreign government information which had been redacted to protect sources. The court, the Department and the defense were aware these few disclosures were inadvertent and steps were taken to correct this.

Enclosures (2)

CONTINUED OVER

59 JAN 31 1980

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
Greenberg/Gray-6875

FBI/DOJ

Memorandum W. L. Bailey to Mr. Boynton
U. S. VS. W. MARK FELT, ET AL.
TRIAL PREPARATION

The second order generally provides that certain documents redacted to protect sensitive sources and methods, per the supplemental protective order of November 5, 1979, be lifted and information be made available under that order with certain redactions lifted. These redactions were made in conformance with recommendations of the Intelligence Division and were reviewed by the Department. Lifting of these redactions will allow the defense access to highly sensitive material.

On 12/22/79 John Nields, Departmental prosecutor in this matter, advised he had not discussed these orders with higher authorities in the Department. However, he mentioned the possibility of submitting a motion to the court to reconsider. Obviously, another possibility is vacating the claim of privilege as to this information. It should be noted we have canvassed the foreign governments in this matter and their uniform position has been to protect the information. As to information redacted under the supplemental protective order, whether to comply or not is within the purview of the Bureau and the Department since the material in question is FBI generated.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :

v.

: Criminal No. 78-00179

W. MARK FELT and
EDWARD S. MILLER

FILED

DEC 21 1979

MEMORANDUM AND ORDER

JAMES F. DAVEY, Clerk

A

On August 17, 1978, this court, pursuant to Fed. R. Crim. P. 16(a)(1)(c), granted certain discovery requests of defendants Felt and Miller. Two such requests, Miller's request #11 and Felt's request #C-4, were directed at materials reflecting the foreign activity of the Weathermen Organization, including foreign travel and contact or collaboration with foreign powers or agents.¹ This court considered these materials relevant to the defendants' asserted defense of reasonable reliance on the authority of superiors. See United States v. Barker, 546 F.2d 940 (D.C. Cir. 1976).

In particular, part (d) of Miller's request #11 asked for "[a]ny and all reports of foreign law enforcement or governmental agencies including but not limited to the Royal Canadian Mounted Police;" Felt's request #C-4 encompassed all "[d]ocumentary materials made and maintained or received by the Justice Department and the FBI in the ordinary course of business. . . ."

1 - Miller's request #11, as limited by this court, is directed at FBI and Justice Department documents Miller might have come in contact with while serving with the agency. Felt's request was directed only at FBI and Justice Department material.

62-118041-243
ENCLOSURE

On December 13, 1978, defendant Miller filed a motion to compel discovery of material relating to the foreign activity of the Weathermen Organization. The motion alleged that the government had failed to produce documents received from foreign intelligence agencies and the NSA falling within the scope of Felt and Miller's discovery requests #C-4 and #11. The government failed to respond directly to this motion; it did, however, continue to challenge the applicability of the Barker-Martinez defense underlying the defendants' discovery claim. During a hearing among the parties, this court ruled that the Barker-Martinez defense was available to defendants Miller and Felt.

Transcript of Hearing, 2/22/79, at 57-58.

On March 30, 1979, counsel for the government advised this court that although "[t]he government has completed its discovery," "some dispute will remain as to the adequacy of the government's compliance with discovery and that in camera resolution of those disputes by the court will be necessary." Letter from F. J. Martin to Chief Judge William B. Bryant (3/30/79). On April 4, 1979, defendant Miller moved to dismiss the indictment for failure to produce material received from foreign intelligence sources and the NSA relating to the foreign activity of the Weathermen; defendant Felt filed a similar motion on April 6, 1979.
2

The government responded by filing a Motion to Modify the August 17, 1978 discovery order. This court was asked

2 - Defendants' discovery requests directed at material sent by NSA to the FBI were resolved during an in camera hearing among the parties. Transcript of Hearing, 3/16/79, at 18, 37.

3 - The motion was filed under seal.

to relieve the government from complying with Miller's discovery request #11(d) or any portion of his request #11 or Felt's request #C-4 requiring the production of documents or information obtained by the FBI from cooperative foreign intelligence agencies. According to the government, such documents and information were submitted to the FBI pursuant to strict understandings that they would not be disclosed to anyone outside the Executive Branch without ⁴ consent of the foreign source.

In support of its motion, the government distinguished two types of documents or information received from foreign sources: material disclosing contact or collaboration between the Weathermen and hostile foreign powers and material resulting from the general surveillance and investigation of Weathermen fugitives and other suspected "hippies" by intelligence agencies of the host foreign country. The government concedes the relevancy of this first category. The Attorney General, however, has submitted in camera affidavits stating that disclosure of such documents (or information contained in the documents) other than in an ex parte, in camera showing to this court, would adversely affect the national interest by severely impairing vital relationships with foreign intelligence agencies. The government has delivered approximately 38 documents falling under this claim of privilege to this court for ex parte, in camera review. Accompanying 25

⁴ - During an in camera session, counsel for the government stated that the agreements permit disclosure only to current members of the intelligence community. Transcript of Hearing, 8/30/79, at 32. The government has asked the respective foreign intelligence agencies to disclose the disputed material. The agencies have refused.

⁵ - Twenty documents were submitted to this court in April 1979. Subsequent submissions have raised the total to 38.

of the documents are memorandum, reports, and other material from non-privileged domestic sources. The government claims that these discoverable domestic sources provide the defendants with "parallel" or partially "parallel" information, thereby amounting to adequate compliance with the discovery requests. Although no "parallel information" of any type could be found for the remaining 13 documents, the government has submitted admissions conceding relevant facts that also appear in most of the material.

The government has also delivered to this court for ex parte, in camera review approximately 900 documents or information from foreign agencies pertaining to general surveillance and investigation of Weathermen in the host foreign country. These documents are first alleged to be irrelevant and immaterial to the defendants' case; if the court should find the opposite, the government has indicated its intent to assert a claim of privilege identical to the one described above.

On June 5, 1979, defendant Miller filed a motion to produce the specific understandings with foreign agencies prohibiting disclosure of intelligence information or material forwarded to the FBI.⁶

B

The defendants have developed two complimentary legal arguments, each in the end resting on the asserted importance of material from foreign agencies for the elaboration of

⁶ - The government has since indicated that these understandings are not in writing. Government's Response to Miller's Motion to Produce "Specific Understandings With Foreign Government Agencies" at 1 (under seal).

their Barker-Martinez defense. Defendants argue that the government's motion to modify the discovery order of August 1978 is premised on a faulty claim of privilege, an improper use of ex parte, in camera procedures, and shields material at the heart of their defense. Their motion to dismiss the indictment stresses the latter point, implicitly accepting the claim of privilege but relying on the doctrine developed by Learned Hand in United States v. Andolschek, 142 F.2d 503, 506 (2nd Cir. 1944): the government cannot choose to prosecute an individual while erecting a claim of privilege to hide material relevant to the defense.

It appears most logical to address first the validity of the asserted privilege and the ex parte, in camera, procedures adopted to determine its applicability and impact. If the privilege and procedure are legally permissible, this court must then determine whether the nature of the desired material requires a choice between dismissing the indictment or refusing to modify the August 1978 discovery order.

1. The Claim of Privilege

The affidavits submitted by the Attorney General comply with the procedural requirements set forth in United States v. Reynolds, 345 U.S. 1, 7-8 (1953) (formal claim of privilege must be lodged by head of department after "actual personal consideration by that officer"). The defendants attack the substance of the asserted privilege. They stress the failure of the Attorney General to specifically invoke a claim of "state secrets." Defendant Miller's Opposition to

Government's Motion to Modify at 6-7. Moreover, they claim that the defendants viewed much of the material while employed at the FBI, thereby making the present attempt to prevent disclosure unreasonable and unnecessary. Id.

The defendants' suggestion that the claim of privilege somehow lacks potency because the Attorney General failed to recite the words "state secrets" is unconvincing. His affidavit states that disclosure of the material would adversely affect relationships with foreign intelligence agencies that are essential to our national security interest. This type of determination, by a key figure in the Executive Branch, falls well within those "areas of Art. II duties [to which] the courts have traditionally shown the utmost deference." United States v. Nixon, 418 U.S. 683, 710 (1974). See United States v. Reynolds, 345 U.S. 1, 10 (1953) (determination by Secretary of Air Force that exposure of military matters would jeopardize national security).

Defendants' claim that Miller or Felt might have viewed the material in the past does nothing to vitiate the asserted privilege. Protection of sources, not information, lies at the heart of the claim by the Attorney General.⁷

The government has indicated that the agreements with foreign agencies permit disclosure only to present members of the intelligence community on a "need to know" basis. The respective foreign agencies whose information is at issue in this case have not consented to disclosure. In short, neither the manner in which the privilege is asserted nor the prior exposure of the material to

⁷ - The importance of this objective has been stressed recently by intelligence agencies in other contexts, and has met with court approval. See Hayden v. NSA, No. 78-1728, slip op. at 6-7 (D.C. Cir., Oct. 29, 1979).

the defendants renders the claim of privilege invalid.

2. In Camera, Ex Parte, Review of the Material

a. Documents Claimed to be Immaterial

As discussed earlier, supra at 3-4, the government has designated a number of documents containing information from foreign intelligence agencies as immaterial or irrelevant to the defendants' case. The government contends that these documents merely disclose efforts by foreign intelligence agencies to record the activities of Weathermen and other suspected radicals, and do not expose contacts between Weathermen and agents of hostile foreign powers. At the request of this court, the documents have been submitted for in camera, ex parte review.

Although the original discovery order in this case encompassed all aspects of the foreign conduct of the Weathermen Organization, e.g. foreign travel and correspondence, Fed. R. Crim. P. 16(d)(1) allows for modification upon a sufficient showing. In camera ex parte presentation of disputed material is recognized as an appropriate means of establishing such a showing. United States v. Pelton, 578 F.2d 701, 707 (8th Cir.), cert. denied, 439 U.S. 828 (1978). Such a procedure need not be triggered by a formal claim of privilege, infra at 9-10; it is also justified when the sensitive nature of the disputed material is apparent. Id. at 707 (material disclosed identity of individuals cooperating with government on criminal prosecution); United States v. Buckley, 586 F.2d 498, 506 & n.6 (5th Cir. 1978), cert. denied, 440 U.S. 982 (1979).

(defendant sought production of FBI investigative files). The agreements covering the use and dissemination of information received from foreign intelligence agencies lead this court to conclude that in camera, ex parte review of the material will best serve the public interest. See United States v. Buckley, 586 F.2d 498, 506 (5th Cir. 1978), cert. denied, 440 U.S. 982 (1979).

The adoption of in camera, ex parte procedures does not threaten the defendants' constitutional right to exculpatory material, Brady v. Maryland, 373 U.S. 83 (1963), or their statutory right to material evidence, Fed. R. Crim. P. 16(a)(1)(c). Defendants' reliance on Alderman v. United States, 394 U.S. 165 (1969) and its progeny is misplaced. Alderman involved determining whether certain evidence was "tainted" as a result of fourth amendment violations and vulnerable to a motion to suppress; a determination that the Court stressed was subtle, complex and prone to error when performed without the defendant. 394 U.S. at 181-82.

The present case, however, requires determinations of exculpation and materiality. In United States v. Agurs, 427 U.S. 97, 106 (1976), the Court foresaw the use of ex parte proceedings as a permissible means of uncovering exculpatory and material information. This approach has been widely used by the lower courts before and after Agurs. See, e.g. United States v. Loman, 551 F.2d 164, 166 (7th Cir.), cert. denied, 433 U.S. 912 (1977); United States v. Ross, 511 F.2d 757, 765 (5th Cir. 1975), cert. denied, 423 U.S. 836 (1975).

This court has been apprised of the essential elements of defendants' Barker-Martinez defense in a number of pleadings submitted in the case, as well as from long in camera hearings. In light of this background, and the experience of this court in disposing of discovery requests, it is doubtful that ex parte, in camera review will in any way prejudice the defendant.

b. Material Falling Under the Asserted Privilege

The government has voluntarily submitted this material to this court for in camera, ex parte review. In the present case, this procedure is necessary to determine whether invocation of the privilege is proper. United States v. Reynolds, 345 U.S. 1, 10-11 (1953). The defendants claim the material in the face of a criminal prosecution; this amounts to a "showing of necessity" sufficient enough to require this court to examine the material and insure that it contains information originating from foreign intelligence sources. Id. at 11. It does.

In camera, ex parte review is not just necessary to insure that the material properly falls within the asserted privilege. The defendants have moved to dismiss the indictment for failure to comply with discovery. Thus, the court must evaluate now the importance of the disputed material within the context of this case. The standards associated with such a review are discussed in the succeeding section. Of present interest is the defendants' claim

that they have a right to examine privileged material and argue about its impact on this case.

It is obvious that "the security which the privilege is meant to protect," United States v. Reynolds, 345 U.S. 1, 10 (1953), will be jeopardized if defendants participate in an in camera examination of the material. In camera, ex parte review has been approved in a number of criminal and civil cases involving general discovery requests aimed at sensitive materials, In re Attorney General, 596 F.2d 58, 60 (2nd Cir. 1979) (civil) (FBI files), cert. denied sub nom., Socialist Workers Party v. United States Attorney General, 48 U.S.L.W. 3239 (Oct. 9, 1979) (No. 78-1702); United States v. Boyce, 594 F.2d 1246, 1252 (9th Cir. 1979) (criminal) (national security material); United States v. Buckley, 586 F.2d 498, 506 (5th Cir. 1978), cert. denied, 440 U.S. 982 (1979) (criminal) (FBI files); United States v. Ehrlichman, 546 F.2d 910 (D.C. Cir. 1976), cert. denied, 429 U.S. 1120 (1977) (criminal) (tapes of Presidential conversations). The approach also has been adopted with discovery requests made in conjunction with motions to suppress. United States v. Lemonakis, 485 F.2d 941, 962-63 (D.C. Cir. 1973), cert. denied, 415 U.S. 989 (1974); United States v. Humphrey, 456 F. Supp. 51, 59 (E.D. Va. 1978). In camera, ex parte review has also been contemplated as a means of implementing subpoenas directed at sensitive material for use at trial, United States v. Nixon, 418 U.S. 683, 714-715 (1974), or grand jury proceedings, Nixon v. Sirica, 487 F.2d 700, 720-21 (D.C. Cir. 1973).

The fundamental difference between the type of review at issue in Alderman and the present case has already been discussed, supra at 8-9. The national security considerations at issue here also counsel against too much reliance on Alderman, for when discovery requests touch upon "a field as delicate and sensitive as foreign intelligence gathering," in camera procedures may be necessary to determine that the defendants suffer no injustice. United States v. Lemonakis, 485 F.2d 941, 963 (D.C. Cir. 1973), cert. denied, 415 U.S. 989 (1974).

It is important to note that the Alderman Court was not confronted with any claim of privilege, i.e., national security, state secrets, or otherwise. Although the two companion cases involved espionage convictions, the effect on national security of permitting the defendants to examine transcripts of illegally heard conversations was not as clearly delineated as it is in the present case.⁸ The existence of a formal claim of privilege, raises considerations similar to those presented by Justices Harlan and Fortas in their opinions in Alderman, 394 U.S. at 187 (Harlan, J. dissenting); id. at 201 (Fortas, J. concurring and dissenting in part). Both Justices suggested that ex parte, in camera review prevail when a motion to suppress involved serious national security considerations. Their reasoning is persuasive in the context of the present case, when disclosure could jeopardize a number of reliable intelligence sources each capable of delivering a variety of intelligence

8 - Thus the Court's general pronouncements favoring disclosure in all instances, 394 U.S. at 181, should not automatically be transposed to the present case.

information. See United States v. Williams, 580 F.2d 578, 586 (D.C. Cir.), cert. denied, 439 U.S. 957 (1978) (under Alderman effect of disclosure on national security minimized because limited to "'defendant's own conversations'" overheard on "'own premises'").

This is not to suggest that the interests of the defendants must be sacrificed in the name of national security. In the present case, the government has provided this court with "parallel" and "partially" parallel information, as well as admissions; it is possible to place the information from the foreign source alongside the substitute and identify any inadequacies. Compare with United States v. Alderman, 394 U.S. 165, 182 (1969) (such a comparison not possible when determining the subtle issue of "tainted conversations").

This manner of presentation leads this court to believe that ex parte, in camera review will not prejudice the defendant. Taglianetti v. United States, 394 U.S. 316, 317-18 (1969) (task is not "too complex," or "margin of error too great" to prohibit in camera judgment of trial court).

3. Assessing the Defendants' Need for Discovery

Defendants' right to discover documentary material controlled by the government rests on two grounds: the constitutional right to discover exculpatory evidence, as developed in Brady v. Maryland, 373 U.S. 83 (1963), and the statutory right to documents which are material to the preparation of the defense, Fed. R. Crim. P. 16(a)(1)(c).

The Court has recently indicated that the constitutional right is rather narrow, applying only to material that "creates a reasonable doubt" about the defendant's guilt. United States v. Agurs, 427 U.S. 97, 112 (1976). Although Rule 16(a)(1)(c) has at times been interpreted to track closely with the constitutional standard, see United States v. Ross, 511 F.2d 757, 762 (5th Cir.), cert. denied, 423 U.S. 836 (1975), this court believes that documents are "material in the preparation of the defense" if there is a strong indication that they will play an important role in uncovering admissible evidence, aiding witness preparation, corroborating testimony, or assisting impeachment and rebuttal. See United States v. Tanner, 279 F. Supp. 457, 470 (N.D. Ill. 1967), rev'd on other grounds, 471 F.2d 128 (7th Cir. 1972), cert. denied, 409 U.S. 949 (1972) (cited approvingly in Notes of Advisory Committee on 1974 Amendments to Rules of Criminal Procedure, 62 F.R.D. 271, 311 (1975)); Rezneck, The New Federal Rules of Criminal Procedure, 54 Geo.L.J. 1276, 1278-80 (1966) (discussing meaning of "materiality" in predecessor to Rule 16(a)(1)(c)); cf. United States v. Crow Dog, 532 F.2d 1182, 1189 (8th Cir. 1976), cert. denied, 430 U.S. 929 (1977) (no Brady violation when undisclosed material would have been used for "minimal" impeachment purposes).

In the present case, the government has asserted that some documents are irrelevant and immaterial to the defendants' case. This court has examined a representative sample of such documents, with the constitutional and statutory standards discussed above in mind. This court believes

that this material is not 'material to the defendants' case, in particular their Barker-Martinez defense. Such a defense does not require a general investigation of how friendly governments monitored Weathermen activities.

Cf. Clay v. United States, 397 F.2d 901, 915 (5th Cir. 1968), vacated on other grounds sub nom., Giordano v. United States, 394 U.S. 310 (1969) (defense to violation of Selective Service laws did not require broad investigation into activities and procedures of draft system).

The government has conceded the relevancy of those 38 documents falling under its claim of privilege; it has also attempted to minimize the effect of non-disclosure by claiming that information revealing contacts between the Weathermen and hostile foreign powers is not a "core" issue in the defendants' case. Defendants follow the lead of the government, simultaneously dancing in two different directions. They attack the privilege, and argue that the documents falling under such a claim relate to "core" issues and must be discovered, well aware that prosecutions involving sensitive intelligence information are often dropped by the government because of discovery and trial demands. E.g., DeChamplain v. McLucas, 367 F. Supp. 1291, 1293 n.1, 1295 (D.C.D.C. 1973). Or, defendants accept the privilege, argue that the withheld information relates to "core issues," and move to dismiss the indictment.

A satisfactory solution of the problem requires that the "core/non-core, comply or dismiss" approach urged by the parties be jettisoned. Contacts between the Weathermen and hostile foreign powers are clearly important to defendants' Barker-Martinez defense, and that defense is as close to the "core" as any other issue in this case. Defendants' right to the material covered by the privilege must be

judged in reference to the constitutional standard set forth in Agurs, and the statutory standard incorporated in Rule 16. The latter, however, becomes more demanding in the context of a formal assertion of privilege. United States v. Nixon, 418 U.S. 683, 713 (1974) (Special Prosecutor required to demonstrate that subpoenaed Presidential material was "'essential to justice of the [pending criminal] case.'"); United States v. Haldeman, 559 F.2d 31, 76-77 (D.C. Cir. 1976), cert. denied, 431 U.S. 933 (1977) (defendant required to show "'demonstrated, specific need for evidence'" in order for Rule 16 request to prevail over privileged Presidential material) (citing United States v. Nixon).

This court has examined the 38 documents. Special attention has been given to the demands of the Barker-Martinez defense, and information already available to the defendants, e.g. "parallel" information, "partially" parallel information, admissions, and documents released earlier in the case.

See United States v. Lee, 589 F.2d 980, 989 (9th Cir. 1979) (defendant failed to establish that discovery material in his possession was inadequate to support defense). Two documents contain information of extreme importance for the Barker-Martinez defense, and appear to meet the heightened standard of scrutiny associated with Rule 16 in cases involving privilege and Agurs.

This determination does not require the dismissal of the indictment, as the defendants suggest. Such a result would be warranted only if the court recognizes the government's claim of privilege as absolute, prevailing over the type of showing associated with Agurs and a

more demanding version of Rule 16. Other claims of privilege have not been afforded absolute status. United States v. Nixon, 418 U.S. 683, 711-713 (1974) (confidentiality of Presidential conversations); Roviaro v. United States, 353 U.S. 53, 62-64 (1957) (informant's privilege); Nixon v. Sirica, 487 F.2d 700, 716-718 (D.C. Cir. 1973) (confidentiality of Presidential conversations). And although the Court has never directly addressed the manner in which a "claim of need to protect military, diplomatic, or sensitive national security secrets" is to be balanced against countervailing interests, United States v. Nixon, 418 U.S. 683, 706, 712 n.19 (1974), this court believes that the present case requires a balancing of interests similar to that found in other cases involving claims of privilege.

Defendants' interest in the two documents referred to earlier, supra at 14, is of "constitutional dimensions," United States v. Nixon, 418 U.S. 683, 711 (1974). The Agurs standard is designed to vindicate the due process clause of the fifth amendment, by insuring that the defendant receives all the material necessary for a fair trial. Heightened scrutiny under Rule 16 is designed to identify only material that is of the utmost importance to the defendant and his counsel in the preparation of the defense. "[T]he allowance of the privilege to withhold" such material would "cut deeply into the guarantee of due process of law and gravely impair the basic function of the courts." Id. at 712.

In addition to determining "the inroads of ... [the] privilege on the fair administration of criminal justice," id. at 711-712, this court must also determine the impact disclosure may have on the rationale and policy underlying the claim, id. at 712. Two extensive protective orders are in effect in this case. The two documents in question are to be turned over to the defendant subject to any redactions necessary to protect intelligence sources, pursuant to ¶8 of the December 1978 protective order.⁹ In addition, the two documents are to be stored in the vault at the Justice Department, in accordance with the supplementary protective order of November 1979. These factors lead this court to conclude that disclosure of the two documents will not unduly impair relationships with foreign intelligence services.

For the reasons set forth in this memorandum, it is hereby ORDERED that:

(a) The government's Motion to Modify the August 1978 Discovery Order is granted, except for documents identified as II(A)(1)(a) and III(F)(1)(a) (without the Appendix) which were submitted to this court for ex parte, in camera review in April 1979. These two documents may be redacted to prevent disclosure of intelligence sources, pursuant to ¶(8) of the December 1978 Protective Order, and stored in accordance with the Supplementary Protective Order.

⁹ - These redactions should resemble those used to protect foreign sources in material already turned over to the defendants.

(b) Defendant Miller's Motion to Compel Discovery of Foreign Connections of Weathermen is denied, except for the two documents referred to above in ¶(a).

(c) The motions of defendants Miller and Felt to dismiss the indictment are denied.

(d) Defendant Miller's motion to produce specific understandings with foreign governments is denied.


United States District Judge

Date: December 19, 1979

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

DEC 21 1979

UNITED STATES OF AMERICA : JAMES F. DAVEY, Clerk
v. : Criminal No. 78-00179
W. MARK FELT and :
EDWARD S. MILLER :

MEMORANDUM AND ORDER

On November 5, 1979, this court entered a Supplementary Protective Order regarding access to documents redacted under paragraph (8) of the Protective Order dated December 22, 1978. Paragraphs (3) and (4) of the Supplementary Protective Order provide that this court examine certain documents to determine if they shall be placed in the vault in unredacted form. During the last two weeks, this court has examined, in camera, the documents referred to in paragraph (3), and those documents that the defendants have requested in unredacted form pursuant to paragraph (4).

In light of this review, the court ORDERS the following:

(1) All documents referred to in paragraph (3) of the Supplementary Protective Order shall remain in the vault in redacted form.

(2) Those documents that the court has segregated into package (a) shall be unredacted to reveal any relationship (actual or suspected) between "bag job" targets and hostile foreign intelligence agencies and the location of bag jobs (projected or completed). Redactions in documents segregated into package (b) shall be removed only where indicated.

(N)

62-118045-243

ENCLOSURE

Greenberg/Gray-6895

(3) All remaining documents examined by this court pursuant to paragraph (4) of the Supplementary Protective Order shall remain in the vault in redacted form.

(4) Any statements by the government accompanying those documents that this court has determined will remain in the vault in redacted form shall be sealed and preserved, in accordance with Fed. R. Crim. P. 16(d)(1).


United States District Judge

Date: December 21, 1979

I - This does not apply to one document for which the government is preparing a more complete Rule 16(d)(1) submission. This court will determine the status of that document after receipt of the government's statement.

UNITED STATES GOVERNMENT
Memorandum

TO : Mr. Boynton

FROM : W.L. Bailey

SUBJECT: U.S. VS. W. MARK FELT, ET AL.
TRIAL PREPARATIONS

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

1 - Mr. Boynton
1 - Mr. Colwell

DATE: 12/27/79

1 - Mr. Steel
1 - Mr. Cregar
1 - Mr. Mintz
1 - Mr. Mullen
1 - Mr. Bailey
1 - Mr. Finzel
1 - Mr. Daly
1 - Mr. Tierney

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

C
PURPOSE:

To advise of new tasks and deadlines set, as well as action being taken to meet them based on hearing 12/19/79.

DETAILS:

On 12/19/79 the court postponed trial in this case from 1/2/80 until 3/17/80.

The prosecution will outline for the court and the defense sensitive areas of proof contained in documents revealed during discovery, propose methods to get around these sensitive areas (i.e., by substitutions, sanitized summaries, and/or stipulations and concessions), and specify those extremely sensitive areas, the court-enforced public disclosure of which would force the prosecution to move for dismissal. This submission must be ready by 1/14/80. The defense will have 14 days to object (1/28/80) and the court will then rule within 15 days.

62-118045-344
The outline and proposals will be written by the prosecution based upon a sample of relevant/sensitive documents selected by them from the larger group designated by all the parties. This selection was to be given to us on 12/26/79 but will now be furnished to us for review as soon as possible. We must furnish comment in the form of a damage assessment for the sample group by Wednesday, 1/9/80. While a current classification review of these documents would be desirable, it is not essential for INTD and CID to render judgement. It will be omitted, if necessary, to adhere to the 1/9/80 deadline. Since they are part of the larger group, mentioned below, they will eventually be reviewed for classification before they are used in court.

The larger group of documents designated by the prosecution and both defense camps must be completed (both classification review and damage assessment) by Monday, 1/28/80, so that the prosecution can respond to defense objections which are due that day.

JAN 24 1980
CONTINUED - OVER



59

JLT:tdp (11)

62-118045

JAN 31 1980

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Memorandum W.L. Bailey to Mr. Boynton
RE: U.S. VS. W. MARK FELT, ET AL.
TRIAL PREPARATIONS

In order for INTD and CID to make the 1/28/80 deadline, RMD must finish their classification review by Wednesday, 1/23/80.

The two orders of the court dated 12/21/79 regarding redactions on vault documents are the subject of a separate memorandum.

RECOMMENDATION:

None. For information.

APPROVED: *[Signature]*

Director

Exec. AD-Inv. *[Signature]*

Exec. AD-Adm. *[Signature]*

Exec. AD-LES *[Signature]*

Adm. Serv. _____
Crim. Inv. _____

Ident. _____
Intell. _____
Laboratory _____

Legal Coun. _____
Plan. & Insp. _____

Rec. Mgmt. *[Signature]*
Tech. Servs. _____
Training _____
Public Affs. Off. _____

UNITED STATES GOVERNMENT
Memorandum

TO: *W.H.* Mr. Bailey
FROM: Joseph L. Tierney
SUBJECT: U.S. VS. W. MARK FELT, ET AL.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

DATE: 1/7/80

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

On 12/18/79, at the request of Executive Assistant Director Colwell, Mr. Paul V. Daly, observed his opening of an envelope. The envelope was in his desk draw and bore (then) Inspector Paul L. Mack's initials and was sealed with scotch tape.

The contents of the envelope were copies of the so-called two-line memoranda authorizing "black bag" jobs. Attached to the memoranda was a routing slip to the Director dated 5/25/77 advising the originals had been shown to (then) Attorney General Bell and given to (then) Assistant Attorney General Civiletti on 5/25/77.

The memoranda, routing slip and envelope are being placed in file for record purposes. (62-118045)

*Retain and
Do not destroy
inner envelope
in attaché
enclosure & file*

- J. K. D.
ENCLOSURE

PVD:tdp (2)

ENCL. 1 1/2" x 10"

1 - Mr. Daly

(-) 118045-245

6 JAN 24 1980

Greenberg/Gray-6899



Buy Savings Bonds Regularly on the Payroll Savings Plan

FBI DOJ

INSTRUCTIONS: This form is to be removed from file by a Filing Unit employee only upon the return of the item.

Subject

U.S. vs. W. Mark Felt, et al

Type of Mail

Date of Mail

Report

Incoming letter

Outgoing letter

Memorandum

SA Joseph L. Tierney to 1/7/80

Airtel

Teletype

Enclosure (describe)

Laboratory Work Sheet

Personnel Security Questionnaire (PSQ)

Loyalty Form

Other (describe)

b6

b7C

Removed for	Removed by	Date of Removal
<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Room Mr. Paul Daly	_____	9/11/80

Reason for Removal

For copying (If for another agency, list agency and date of request.)

Dog - John Shields

To send to

To attach to

For office use

For change to another file

Other (Specify)

U.S. vs. W. Mark Felt, et al

Complete File and Serial Number

68-118045-245

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HEREIN IS UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/baw/sbs

enclosure

62-118045-245

Greenberg/Gray-6901

Federal Bureau of Investigation
Office of Associate Director

5/27, 1977

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/baw/sbs

<input checked="" type="checkbox"/> Director	— Miss Devine
<input type="checkbox"/> Mr. Held	— Telephone Room
<input type="checkbox"/> Mr. Adams	
<input type="checkbox"/> Mr. McDermott	
	— Reading Room
<input type="checkbox"/> Mr. Ash	— Mail Room
<input type="checkbox"/> Mr. Bassett	— Teletype
<input type="checkbox"/> Mr. Cochran	— Pr. & Sp. Mgmt. Sec.
<input type="checkbox"/> Mr. DeBruler	
<input type="checkbox"/> Mr. Decker	
<input type="checkbox"/> Mr. Fehl	— For Approp. Action
<input type="checkbox"/> Mr. Kelleher	— For Your Approval
<input type="checkbox"/> Mr. Leavitt	— Initial and Return
<input type="checkbox"/> Mr. Long	— Please Call Me
<input type="checkbox"/> Mr. Meincke	— For Information
<input type="checkbox"/> Mr. Mintz	— Per Conversation
<input type="checkbox"/> Mr. Moore	
<input type="checkbox"/> Mr. Boynton	
<input type="checkbox"/> Mr. Feeney	
<input type="checkbox"/> Mr. Mack	
<input type="checkbox"/> Mr. Revell	

— M —————

Room —————

The original 13 memoranda and
folder entitled "Confidential Sources"
were delivered by me personally to
Assistant Attorney General Civiletti,
Criminal Division at 10²⁰ AM 5/25/77
pursuant to your instructions.
PLM

over
Paul L. Mack
Room 7110, Ext. 5606

FBI/DOJ

Greenberg/Gray-6902

b6
b7C

The original folder and its
contents were previously made
available to Attorney General
Bell by you for review on the
morning of 5/25/77 at JEH Building

PLM

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-6903

CONFIDENTIAL SOURCES

All information contained
herein is UNCLASSIFIED
DATE 04-16-2009 BY 65179 dmh/BN

Greenberg/Gray-6904

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-09-2009 BY 65179 dmh/baw/sbs

April 17, 1973

MR. FELT: *7*

RE: U. S. CHINA FRIENDSHIP
ASSOCIATION

On April 16, 1973, [redacted]
of the San Francisco office requested authority b6
to contact an anonymous source at an office b7C
building on [redacted]. He
assured me that such could be accomplished with
full security and I gave him authority to proceed.

ACTION:

For information.

E. S. Miller



Greenberg/Gray-6905

April 13, 1973

~~X~~
MR. FELT:

Re: [redacted]

b6
b7C

On April 13, 1973, [redacted] of the New York Office requested authority to contact an anonymous source at Apartment [redacted] New York, New York. He assured me that such could be accomplished with full security and I gave him authority to proceed.

ACTION:

For information.

E. S. Miller



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-20-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-6906

March 8, 1973

MR. FELT:

Re: [redacted]

REVOLUTIONARY ACTIVITIES -
WEATHERMAN

b6
b7C

On March 7, 1973, SAC Arbor W. Gray, New York, requested authority to contact an anonymous source at [redacted] Brooklyn, New York. He assured me that such could be accomplished with full security and I gave him authority to proceed.

ACTION:

For information.

E. S. Miller

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-20-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-6907

March 6, 1973

MR. FELT

DO NOT FILE

Re: [REDACTED]

aka

ESP - PO

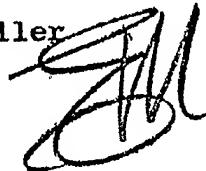
b6
b7C

ASAC Hunter Helgeson of the Chicago Office called today and requested authority to contact an anonymous source at [REDACTED] [REDACTED] Chicago, Illinois. He assured me that such could be accomplished with full security and he was given the authority to proceed.

ACTION:

For information.

E. S. Miller



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-20-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-6908

2/13/73

MR. FELT

DO NOT FILE

Re: [REDACTED]

b6
b7C

On 2/13/73 SAC Arbor W. Gray, New York,
requested authority to contact an anonymous source
at the residence of [REDACTED]

[REDACTED] New York City. He assured
me that such could be accomplished with full
security and he was given the authority to proceed.

ACTION:

For information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-20-2009 BY 65179 dmh/baw/sbs

E. S. Miller



Greenberg/Gray-6909

1/15/73

MR. FELT

DO NOT FILE

Re: STRONGHOLD CONSOLIDATED
PRODUCTIONS, INC.

b6
b7C

On 1/15/73 SAC Andrew J. Decker, New York,
requested authority to contact an anonymous source
at [redacted] New York City. He assured me
that such could be accomplished with full security
and he was given the authority to proceed.

ACTION:

For information.

E. S. Miller



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-20-2009 BY 65179 dmh/baw/sbs



Greenberg/Gray-6910

1/10/73

MR. FELT

DO NOT FILE

Re: [redacted]

b6
b7C

On 1/10/73 SAC J. Wallace LaPrade, Newark,
requested authority to contact an anonymous source
at [redacted] Union, New Jersey. He
assured me that such could be accomplished with full
security and I gave him authority to proceed.

ACTION:

For information.

E. S. Miller



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-20-2009 BY 65179 dmh/baw/sbs

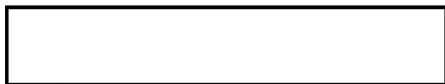


Greenberg/Gray-6911

12/13/72

DO NOT FILE

MR. FELT:



b6
b7C

On 12/13/72 SAC Decker, New York, requested authority to contact the captioned anonymous source. He assured me that such could be accomplished with full security and I gave him authority to proceed.

ACTION:

For information.

E. S. Miller

A handwritten signature of E. S. Miller.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/14/85 BY sp2 tap/lbd

Greenberg/Gray-6912

~~CONFIDENTIAL~~

11/22/72

MR. FELT:

DO NOT FILE

(C)

b1

ACTION:

For information.

E. S. Miller



EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1)
DATE 04-20-2009

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Greenberg/Gray-6913

~~CONFIDENTIAL~~

11/17/72

DO NOT FILE

MR. FELT:

REVOLUTIONARY ACTIVITIES - WEATHERMAN

On 11/17/72 SAC Decker, New York, requested authority to contact an anonymous source at [redacted] Avenue, Brooklyn, who may have some knowledge concerning [redacted]. He

[redacted] assured me that such could be accomplished with full security and I gave him authority to proceed.

b6
b7C

ACTION:

For information.


E. S. Miller

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-20-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-6914

10/24/72

DO NOT FILE

MR. FELT:

REVOLUTIONARY ACTIVITIES - WEATHERMAN

On 10/24/72 SAC, Portland, requested authority to contact our anonymous source at the Vision Works, Eugene, Oregon. He assured me that such could be accomplished with full security and I gave him authority to proceed.

ACTION:

For information.

E. S. Miller

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-20-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-6915

10/6/72

MR. FELT:

DO NOT FILE

ARAB INFORMATION CENTER
INTERNAL SECURITY - MIDDLE EAST

On 10/6/72 SAC Roy Moore of our Chicago Office telephonically contacted me and requested authority to contact an anonymous source at captioned Center, 18 South Michigan Avenue, Chicago, Illinois. He assured me that such contact could be accomplished with full security, and I gave him authority to proceed.

ACTION:

For information.

E. S. Miller

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-20-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-6916

9/7/72

MR. FELT:

DO NOT FILE

AL FATAH
INTERNAL SECURITY - MIDDLE EAST

On 9/7/72 Security Supervisor [redacted]
Dallas Office, telephonically contacted Bureau Supervisor [redacted] and requested authorization to contact [redacted] an anonymous source in connection with captioned matter at the Arab Information Center, Suite 1302, Hartford Building, 400 North St. Paul, Dallas, Texas. He assured that such contact could be accomplished with full security. I was advised of the Dallas request during the course of this telephone call by Supervisor [redacted] and authorized the contact of the anonymous source provided full security was assured.

b6
b7C

ACTION:

For information.

E. S. Miller

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DATE 04-20-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-6917

Scanned 5/25/77

Received 3/7/78/kb

Personnel with Activity MM-1
Paw

Received 3/7/78
Paw

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DATE 04-20-2009 BY 63179.dmh/paw/SBS

January 10, 1980

Director, FBI

FEDERAL GOVERNMENT

U.S. VS. W. MARK FELT, ET AL.

The Attorney General

- 1 - Mr. Boynton
1 - Mr. Colwell
1 - Mr. Steel
1 - Mr. Mintz
1 - Mr. Cregar
1 - Mr. Mullen
1 - Mr. Bailey
1 - Mr. Tierney
1 - Mr. Daly

In connection with captioned case, we have been furnished, by a series of letters, certain FBI documents identified by the Department for possible trial use by the defense. In general, we have been requested to advise what information in those documents may be disclosed and what information must be protected.

As you are aware, extremely sensitive information has been disclosed to the defense in the course of discovery. This disclosure of sensitive material was prompted by the uniqueness of the case and our desire to assist in the prosecution. The disclosure was made to properly cleared counsel and defendants under a series of strict protective orders. Obviously, public disclosure raises different concerns and additional information must be protected.

We have reviewed the selected documents and have indicated to John W. Nields, Jr., what information must be protected and the reasons therefor. Generally, the protected information falls into the following categories:

1. Information which would, or would tend to identify or compromise live sources.
2. Information disclosing the use of technical surveillances and other extraordinary techniques in specific investigations. Such information appearing in Weatherman files will, of course, not be protected nor will general information disclosing the FBI's use of such techniques.

Additionally, all information originating with foreign governments has been redacted in accordance with the Court's order of December 21, 1979.

MAILED 2
JAN 11 1980

6 JAN 24 1980

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir. _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____ PVD:tdp (14)
Tech. Servs. _____
Training _____
Public Aff. Off. _____
Telephone Rm. _____
Director's Sec'y _____

We have not made redactions to protect privacy interests. Derogatory information of varying degrees appears in some of the documents and disclosure might prove harmful. I would suggest this information be protected where possible.

SEE NOTE PAGE TWO

25 JAN 9 1980 Mailed
1/11/80
MAIL ROOM

62-118045

The Attorney General

Branch agency to that agency for approval prior to disclosure. We will indicate to your representatives that information which should be referred in accordance with this procedure. Further, certain of the documents disclose our investigative interests in specific foreign governments and their representatives. Traditionally, the State Department has classified such information, and should be consulted in this regard.

I and my representatives are available to discuss any particular redaction causing prosecutive concern.

1 - The Deputy Attorney General

1 - John W. Nields, Jr.
Special Counsel
Criminal Division

NOTE:

Draft specifically approved by Asst. Directors of Intelligence, Criminal Investigative and Legal Counsel Divisions.

APPROVED:

Director W.H.W.
Exec. AD-Inv. SP
Exec. AD-Adm. X
Exec. AD-LES X

Adm. Serv. Am
Crim. Inv. Am
Ident. TDB
Intell. TDB
Laboratory

Legal Coun. Am
Plan. & Insp.
Rec. Mgmt. Web
Tech. Servs.
Training
Public Affs. Off.

UNITED STATES GOVERNMENT

Memorandum

FEDERAL GOVERNMENT

TO : William O. Cregar *WOC*
Assistant Director

FROM : John W. Nields, Jr. *JWN/JW*
Special Counsel

SUBJECT: Declassification Foreign Influence
United States v. Felt, et al

DATE: January 11, 1980

(W. Marks)

In order to avoid disclosure of foreign influence data obtained by the Bureau from cooperative foreign intelligence agencies the government made four admissions concerning foreign influence which then substituted for much of the foreign agency data. These admissions are attached and are all classified confidential. These admissions provide proof of assertions that are highly relevant to the defense case and which should be available for use at trial. Please let me know what direct harm to national security would result from disclosure of these admissions at trial.

OKD

*McFarlane has
Daly already
agreed. DK*

DK

cc: Francis M. Mullen, Jr.
Paul V. Daly
Robert Finzel

Greenberg/Gray-6921

~~[CONFIDENTIAL MATERIAL ATTACHED]~~

ENCLOSURE

62-118045-247

5 FEB 29, 1980

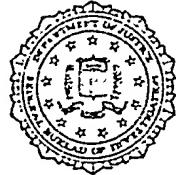
62-118045-


56 MAR 18 '80

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Form OBD-197
MAY 1978

~~CONFIDENTIAL~~



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

~~SECRET~~

March 29, 1979

U.S. vs Felt, et al

The following admissions are made by the Government with respect to the issue of the foreign involvement of The Weatherman. These admissions are made solely for the purpose of the litigation of U.S. vs Felt et al. (U)

(1) Leaders of the Student for Democratic Society (SDS) and the Weatherman Underground Organization (WUO) contacted and met with officials of the Cuban government in order to make arrangements for travel to Cuba. Cuban government officials assisted in such travel arrangements. Leaders of SDS and WUO were also in contact with suspected Cuban intelligence officers. (X) SKY b1

(S) (2) [REDACTED]

(S) (3) [REDACTED] X

(U) (4) Members of the SDS and WUO were in contact with representatives of the USSR. (X) CWP bl

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DECLASSIFICATION

AUTHORITY DERIVED FROM:

FBI AUTOMATIC DECLASSIFICATION GUIDE

EXEMPTION CGDE 25X(6)

DATE 04-21-2009

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WHERE SHOWN OTHERWISE

~~SECRET~~

~~CONFIDENTIAL~~

62-118045-249

ENCLOSURE

Greenberg/Gray-6922



CLASS. & EXT. BY 8160 3-29-79
REASON-FCIM II 1-2.4.2 (1)(2)
DATE OF REVIEW 3-29-99

~~SECRET~~

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : Mr. Boynton

~~SECRET~~

By 6080

DATE: 1/21/80

FROM : W. L. Bailey

FCIM 1

Date 1/21/2000

SUBJECT: U.S. vs FELT et al

EXEMPTED FROM AUTOMATIC

DECLASSIFICATION

AUTHORITY DERIVED FROM:

FBI AUTOMATIC DECLASSIFICATION GUIDE

EXEMPTION CODE 25X(1,6)

DATE 04-21-2009

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.:
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. *WLB*
 Rec. Mgmt. _____
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____
 Telephone Rm. _____
 Director's Sec'y _____

W. Marte
 PURPOSE: To advise Judge William Bryant of U. S. District Court, Washington, D. C., ordered the production of certain information which originated with the [redacted] for discovery purposes. *(S)*

b1

RECOMMENDATIONS:

- (S) 1. That the Department be advised of our position that the information should not be disclosed absent [redacted] b1 approval. *(S)*

APPROVED: *[Signature]*
 Adm. Serv. _____
 Crim. Inv. _____
 Director _____
 Exec. AD-Inv. *WLB*
 Exec. AD-Adm. *X*
 Exec. AD-LES *X*

Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgmt. *WLB*
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____

PVD *DC*

- (S) 2. Should the Department make the disclosure, we advise the [redacted] that the disclosure has been made and the circumstances under which it was made. *62-118045-248*

APPROVED: *[Signature]*
 Adm. Serv. _____
 Crim. Inv. _____
 Director _____
 Exec. AD-Inv. *WLB*
 Exec. AD-Adm. *X*
 Exec. AD-LES *X*

Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgmt. *WLB*
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____

5 FEB 26 1980

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

1 - Mr. Boynton
 1 - Mr. Colwell
 2 - Mr. Cregar (Attn: Mr. Fulton)
 1 - Mr. Mintz
 1 - Mr. Mullen

1 - Mr. Steel
 1 - Mr. Bailey
 1 - Mr. Daly
 1 - Mr. Tierney

PVD:jam-jan(11)

(CONTINUED - OVER)

~~SECRET~~

By 6080

FCIM 1

Date 1/21/2000

SEE ADDENDUM INTD PAGES 4 and 5

62-118045~~SECRET~~

FBI/DOJ

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

56 MAR 18 '80



AC
ENCLOSURE

~~SECRET~~

Mr. Bailey to Mr. Boynton Memorandum
Re: U.S. vs Felt et al

DETAILS: [redacted]

(S)

[redacted]

b1

(S) During discussions between SA Paul V. Daly and Special Counsel John W. Nields, on 1/20/80, it was the consensus we would make a high-level contact with the [redacted] to ask their approval for release of the information in question, advising them the disclosure would be to cleared counsel in a vault and that the defense would not be given possession of the documents. The [redacted] would be advised disclosure would be for b1 discovery purposes under a strict discovery order. While there is no reference to [redacted] as the source of the information in question, the environment in which it is being disclosed as well as its content would pinpoint them as the source. [redacted]

(S) On 1/21/80, Nields advised SA Daly that he had discussed this matter with Deputy Assistant Attorney General Robert Keuch. [redacted]

b1

(S)

[redacted] The rationale of Keuch's opinion is unknown. [redacted]

[redacted] Nields desired to know what the Bureau's position would be concerning this. [redacted]

In prior discussions between Assistant Director Gregar and Nields, Nields was advised that the Bureau was under an obligation to secure approval of the foreign govern-

~~SECRET~~

~~SECRET~~

Mr. Bailey to Mr. Boynton Memorandum
Re: U.S. vs Felt et al

ment in question prior to release of its information. Gregar explained to Nields the nature of our arrangements with the foreign governments and, additionally, stated high-level contact could be made by high-level Bureau officials to secure the approval of that government. ~~(S)~~

Nields also advised, on this date, that he is preparing a memorandum to the Attorney General concerning this matter

(U)

(S)  b1 

~~SECRET~~

~~SECRET~~

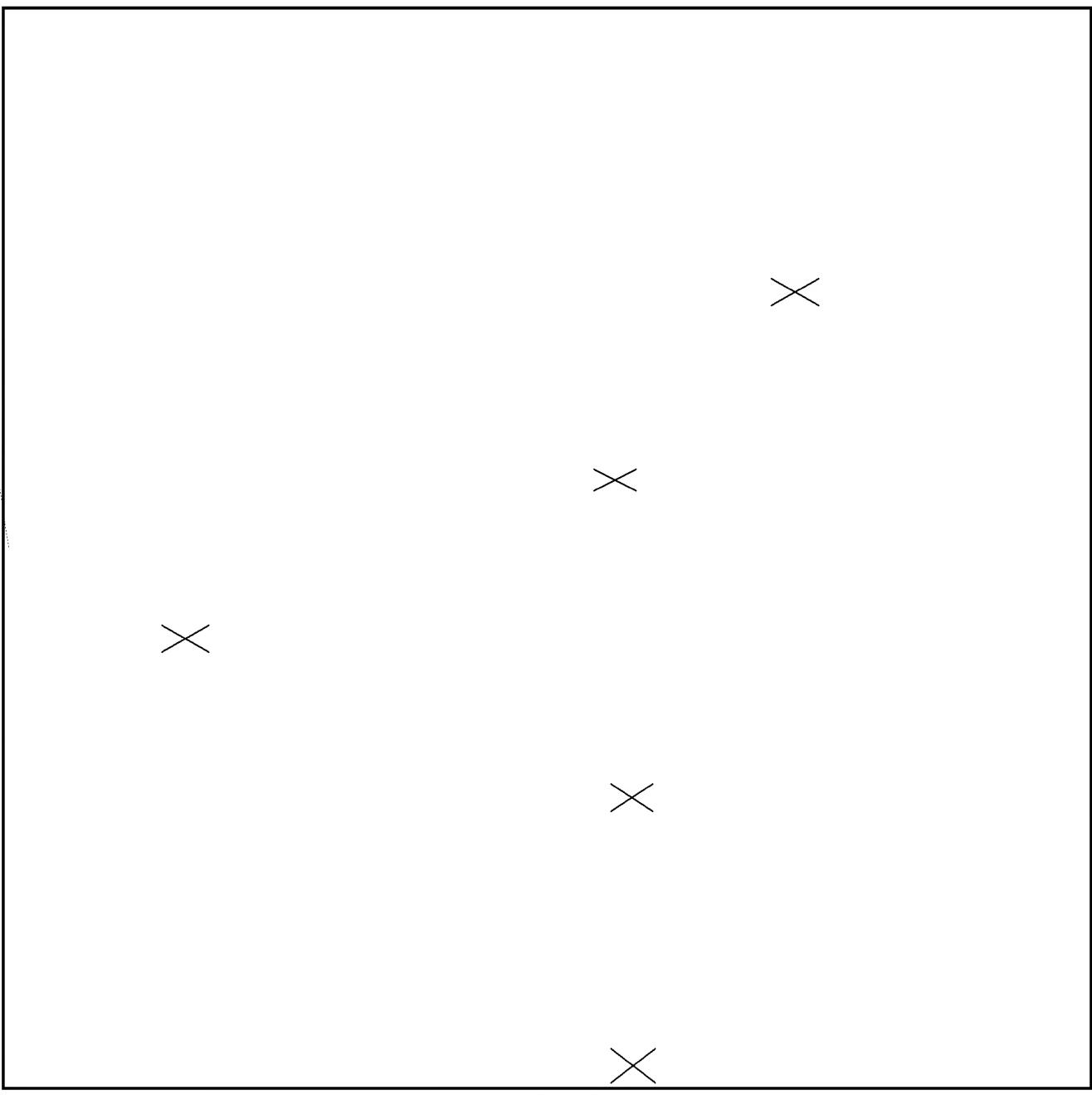
Memorandum to Mr. Boynton from W. L. Bailey
Re: U.S. VS FELT ET AL

ADDENDUM: INTELLIGENCE DIVISION (INTD)

EJO:mjt 1/21/80

b1

(S)



(S)

b1

~~SECRET~~

CLASS. & EXT. BY 115
REASON-FCIM II, 1-2-4.2 (2Y3)
DATE OF REVIEW January 21, 2000

~~SECRET~~

Memorandum to Mr. Boynton from W. L. Bailey
Re: US. VS FELT ET AL

ADDENDUM: INTELLIGENCE DIVISION (INTD) - continued

The FBI has managed to use this information in its counter-intelligence investigations without compromising any CIA recruitments, thereby building a climate of trust between the CIA and the FBI that we would do nothing to jeopardize sensitive CIA sources.

(S)

b1

(S)

The DCI has a mission to protect sensitive sources and methods and the U.S. Government's

(S)

b1

5) Should the information from this source become public, it would immediately result in a termination of the existance of the source. The FBI's recent experience with

~~SECRET~~

~~SECRET~~

OFFICE OF DIRECTOR
 FEDERAL BUREAU OF INVESTIGATION
 UNITED STATES DEPARTMENT OF JUSTICE

January 22, 1980

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE

Mr. Boynton *ALS*
 Mr. Colwell
 Mr. Moore
 Mr. Bailey
 Mr. Bayse *LAW N MR DALY*
 Mr. Cregar
 Mr. Herndon
 Mr. Joseph
 Mr. Long
 Mr. Mintz
 Mr. Mullen
 Mr. Otto
 Mr. Stames b1
 Mr. Bruemmer b7D
 Mr. Hotis
 Mr. Roin
 Mr. Steel
 Tele. Room
 Miss Devine

(S)

A memo is being prepared to the
 Attorney General along these lines. *(S)*

As you can tell from the memo and Intelligence
 Division's addendum, there is a strong belief here
 that this would be a serious mistake. The memo
 basically seeks your approval for our continued
 assertion of this position, and those involved would
 like you to consider personally contacting the
 Attorney General or Mr. Heymann to express concerns
 about the apparent decision. If you prefer not to
 personally contact someone in the Department, your
 concerns can be conveyed through Paul Daly and
 Special Counsel John Nields to the Attorney General.

(u)~~Adm~~EXEMPTED FROM AUTOMATIC
 DECLASSIFICATION

AUTHORITY DERIVED FROM:

FBI AUTOMATIC DECLASSIFICATION GUIDE

EXEMPTION CODE 25X(6)

DATE 04-21-2009

Greenberg/Gray

ALS : cwb
 (2)~~SECRET~~

62-118045

FILE
 DO NOT DETACH

FBI / DOJ

UNITED STATES GOVERNMENT

Memorandum

TO : William O. Gregar *WOG*
 Assistant Director

FROM : John W. Nields, Jr. *4104f-*

SUBJECT: Declassification *of* Foreign Influence
 United States v. Felt, et al

FEDERAL GOVERNMENT

DATE: January 23, 1980

DECLASSIFICATION AUTHORITY FROM:
 FBI AUTOMATIC DECLASSIFICATION GUIDE
 DATE 04-21-2009

FBI INFORMATION ONLY

*Cd**w. marks*

A review of documents which defendants have designated for trial use reflects a topic not covered in any of the 29 write-ups previously forwarded to you for your review. That topic is the visit by [redacted] to Moscow, Leningrad and a small Soviet village, during September-December 1967. Two documents reflecting this trip (9/23/68 [p. C] and 1/24/69 [p. 27]) are forwarded herewith for your analysis of the harm which would result from disclosure of this information at trial. (N.B. Availability of this information for use at trial would facilitate an argument that other information, far more sensitive and less relevant [relating to her 1964-65 year in the USSR and to her efforts to arrange what became the 1967 trip], should be excluded as cumulative.) *(xx)*

b6
b7C

(U)

(DC)

INFO:

cc: Francis M. Mullen
 Paul V. Daly
 Robert Finzel

700-4138168

b6
b7C

Sec 2

Sec 1

Sec 3 *9-12/67**unrecorded DCRP 6/7/71*

176-38 Sec 1 serials 3, 7, 14

174-7926 Sec 9

Answered 2/15/80
62-118045-249
5 FEB 23 1980
4-SK
 Leonard Boudin (*not reviewed, undoubtedly*
 100-39869 *contains early info -*
open)

DC
ENCLOSURE
ENC. BEHIND FILE
6/4/62

62-118045

56 MAR 18 1980

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

W.O.C.
Memorandum

TO : William O. Cregar *W.O.C.*
 Assistant Director FEDERAL GOVERNMENT

FROM : John W. Nields, Jr. *J.W.N.*
 Special Counsel

SUBJECT: Declassification Foreign Influence
United States v. Felt

DATE: January 23, 1980

*C**W. Marks*

Please let me know as soon as possible what harm, if any, would result if the government were to make the following admission, for use at trial in United States v. Felt, regarding the August 1968 SDS trip to Cuba:

While in Cuba, members visited the Russian embassy and also met with a representative of the NLF, who urged that they conduct ~~an anti-war~~ *anti-war* ~~and raise money for the NLF.~~ *DE* ~~promote communism~~

(U) For your information this proposed admission is a revised version of paragraph four of write-up 12 of the 29 write-ups prepared by the Department and reviewed for classification by Robert Finzel. It will be most helpful to the government's position to be able to make this admission. *62-118045-250*

cc: Francis M. Mullen, Jr.
 Paul Daly
 Robert Finzel

2 ENCLOSURE

*Rec'd
1/31/80
RGT*

*According to enclosures above
revised since to 1/28/79
Nields to Cregar let, above
para is OK for use at trial
with additional info added
to test (copy as attached below), FEB 23 1980
Martin advised 1/31/80.
He will follow classification
assigned by [redacted] to this
paragraph in summary, probably "U."
Referred for action. J.W.N.
+ J.W.T*

62-118045

b6
b7C

56 MAR 18 '80

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Form OBD-197
MAY 1978

U.S. VS. MARK FELT, ET AL. - TRIAL PREPARATION
ROOM 4859, TL #224, EXT. 4763

Omaha expir 12/10
DOCUMENT DESCRIPTION:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-21-2009 BY 65179 dmh/baw/sbs

DOCUMENT LOCATION: 160-437242-4763
(or file & serial number)

REVIEWED BY SA [redacted] OF b6
DIV. 6 b7C

DATE 1/4/81.

1. Recommend Release: All Part* Nothing (circle one)

[* portions to be withheld are bracketed]

2. Rationale:

[Redacted]
[Redacted] *WFT*
Identifies sources and information, including those
beginning with [redacted] (or similar).

Herman [redacted]

3. General Statement of Damage if Released:

Identify sources and information

4. Note any necessary referrals to other Executive Branch agencies.

Greenberg/Gray-6932

UNCLASSIFIED TOP SECRET ~~SECRET~~ CONFIDENTIAL
~~MATERIAL ATTACHED~~

ENCLOSURE
62-118045-250

FEDERAL BUREAU OF INVESTIGATION CONFIDENTIAL

PORTING OFFICE OMAHA	OFFICE OF ORIGIN CHICAGO	DATE 12/10/68	INVESTIGATIVE PERIOD 9/4 - 12/4/68
FILE OF CASE <i>772</i> STUDENTS FOR A DEMOCRATIC SOCIETY (SDS)	REPORT MADE BY [Redacted]	b6 b7C	TYPED JP
CHARACTER OF CASE		IS - SDS	
DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE DATE 04-21-2000			

REFERENCE:

Omaha report of SA [Redacted] dated 9/12/68. b6
b7C
- P# -

LEADS:

MINNEAPOLIS - KANSAS CITY - SPRINGFIELD

Information copies are being furnished to the above offices in view of their interest in this matter.

OMAHA - At Omaha, Nebraska:

Will follow and report activities of the SDS in the Omaha Division.

ACCOMPLISHMENTS CLAIMED					None	ACQUIT-TALS	CASE HAS BEEN:
ENVIC	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/>
							PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/>

APPROVED <i>CC 924 (DB) [Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW		
COPIES MADE: ⑧ Bureau (Registered Mail) (7 - 100-439048) (1 - 14-2941 (SDS-Sedition))		100-439048-2495 REC		
		12 DEC 12 1968		

(Copies continued on Cover Page)		B) CLASSIFIED BY <i>1259</i>
Dissemination Record of Attached Report		Notation EXEMPT FROM GDS, CATEGORY 2
Agency	Rao, IDL, mi, on, ss, ss	DATE OF DECLASSIFICATION INDEFINITE
Request Recd.		<i>11-13-77 JSP/BTJ</i>
Date Fwd.	518E619 1968	ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE
How Fwd.	RS <i>[Signature]</i>	<i>INT. SEC. 5010-13</i>
By	AT/lets	<i>Superior</i>

- ENCLOSURE 62-118045-250

~~THE ELECTIONS ARE A HOAX:~~

"Humphrey, Nixon and Wallace are really no different from each other. Elections are a device used by the ruling class to decieve American workers and students into giving up their just struggles and depending instead on ruling class politicians.

~~"IMMEDIATE + UNCONDITIONAL WITHDRAWAL FROM VIETNAM - NO NEGOTIATIONS:~~

"The U. S. has no right to be in Vietnam. The Vietnamese peoples' right to self determination is not negotiable. Workers and students shouldn't have to get killed in an imperialist war for the bosses.

~~"THE 'LAW AND ORDER' ISSUE IS JUST A COVER-UP FOR RACISM,~~

"and government suppression of the black liberation movement, the student anti-war movement and the growing labor movement."

In September, 1968, [OM T-10] advised that on August 26, 1968, several individuals, among whom was [redacted]

b6
b7C

[redacted] Dubuque, Iowa flew to Mexico City and Havana, Cuba. While in Cuba, [redacted] visited the Russian Embassy, where he obtained posters and literature. He was also a member of a group who met with a representative of the National Liberation Front (NLF), who encouraged the group to participate in anti-Vietnam demonstrations, collect money for NLF, and promote Communism. X

(U)

On November 14, 1968, [OM T-9] advised there had been no meetings of the SDS at Luther College since October 19, 1968. There had been a United States Air Force recruiter on the campus but there was no demonstration by the SDS. [OM T-9] believed that interest in the SDS was declining.

UNITED STATES GOVERNMENT

Memorandum

TO : William H. Webster
 Director FEDERAL GOVERNMENT DATE: January 23, 1980
 Federal Bureau of Investigation

FROM : Philip B. Heymann
 Assistant Attorney General
 Department of Justice

SUBJECT: United States v. Felt, et al

P.H.
 ALL FBI INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 04-21-2009 BY 65179 dmh/baw/sbs

W. Webster

As you know, the defendants in the above-captioned case have demanded during discovery proceedings a copy of the attached document, which, as the Bureau has informed the Department, contains some information received from a foreign government intelligence service. As you requested, the Department opposed this demand. By orders dated November 5, 1979 and December 21, 1979, the Court denied the request of the defense for a copy of the document, but ordered that it be placed in a vault at the Department of Justice, and that the defendants and their lawyers be permitted to read the document there. The Court also placed the document under a Court order, violation of which is punishable by contempt of Court, forbidding the defendants and their attorneys from revealing the information to anyone other than to the Court itself during argument. Again, at your request, the Attorney General filed a Claim of Privilege with respect to the information in this document and asked the Court to reconsider the portion of its order requiring the Department to place the document in the vault. By order filed January 17, 1980, the Court denied the request to reconsider.

I appreciate the force of the arguments which you put to me during our meeting yesterday afternoon. However, I have concluded that the Department should comply with the order of the Court because, for the following reasons, I am absolutely satisfied that, under the Court's order, we will be able to protect the foreign government's information.

62-118045-251
 5 FEB 26 1980

ENCLOSURE A

Set to Comma
1/23/80
WSW/mjw

4-JLT

62-118045

56 MAR 18 '80

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Form OBD-197
 MAY 1978

First, the Court has denied the defendants or their attorneys physical possession of the document.

Second, the information is subject to a Protective Order, punishable by contempt of Court, prohibiting the defendants or their attorneys from orally disclosing the information to anyone except the Court.

Third, the information is, as a practical matter, of no use to the defense and will probably be disregarded by them as soon as they view it - both because it is not related to the issues in the case and because it was received by the Bureau after the end of the conspiracy charged in the indictment.

Fourth, this case is unique in that both defendants are former officials of the Bureau (who had access to this document while they were in the Bureau) and both lead attorneys are former officials of the Department of Justice.

Fifth, the identity of the source of the information will not expressly be revealed.

Under these unique circumstances, it is my judgment that the order of the Court must be obeyed.

Airtel 1 - Mr. W. O. Cregar (FS)
1 - Mr. G. M. Quinn
1 - Mr. D. Ryan

8/22/73

TO: SAC'S, Albany
Atlanta (105-4925)
Baltimore
Boston
Chicago (105-32924)
Detroit (100-41558)
Los Angeles (105-30848)
New York (105-115089)
Newark (105-27875)
Philadelphia (105-19082)
Sacramento (105-3992)
San Francisco (105-27263)
Seattle (105-7942)
Tampa
WFO (105-107456)

FROM: Director, FBI (105-214731)

UNITED STATES - CHINA FRIENDSHIP ASSOCIATION, aka
United States - China People's Friendship Association

IS - RU

IS - CH

OO: NEW YORK

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AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1,6)
DATE 04-22-2009

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WHERE SHOWN OTHERWISE

b6
b7C

UNRECORDED COPY FBI/DOJ NO

In 6/71, the United States - China Friendship Association (USCFA) was established in San Francisco at a public meeting with [redacted] chairman of the organization's Executive Committee, in attendance. [redacted] had recently returned from extended residence in the People's Republic of China (PRC). Since 1971, the Steering Committee of the USCFA in San Francisco has been reported to be dominated and controlled by the Revolutionary Union (RU), a basic Marxist/Leninist/Maoist organization. Current information has been developed indicating Tompkins has been traveling throughout the United States seeking to organize new chapters and to coordinate the efforts of the USCFA.

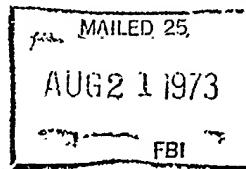
Assoc. Dir. _____
Asst. Dir.: 1 - 105-184369 (RU)
Admin. _____
Comp. Syst. _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Cong. Serv. _____
Corr. & Crm.
Research _____
Press Off. _____
Telephone Rm. _____
Director Secy. _____

DR:egt ect
(35)

REG-AH

20 AUG 22 1973

EX-112



6-15-79
CLASS. & EXT. BY 9803 RPD 1506
REASON-FCCM II 1-24-2 2-2
DATE OF REVIEW 8-22-73

MAIL ROOM TELETYPE UNIT

ENCLOSURE 62-118045-25

~~SECRET~~

Airtel to SAC's, Albany, et al

Re: United States - China Friendship Association, aka
United States - China People's Friendship Association
105-214731

In 8/71 the first public meeting of the United States - China People's Friendship Association (USCPFA) was held in New York City, after a preliminary organizing meeting had been held at the headquarters of I Wor Kuen (IWK), a pro-Maoist group composed primarily of ethnic Chinese. The first meeting of the New York organization featured Victoria Holmes Garvin as a speaker. Garvin, a former leader of the Communist Party, USA (CPUSA), also has had extended residence in the PRC, where in the mid-1960's she married Leibel Bergman. Bergman is also a long-time communist who resided clandestinely in the PRC during the period 1965-1967. Upon his return to the United States, he indicated a desire to collect intelligence in behalf of the Chinese communists and in 1968 he founded the RU, which has become the leading Marxist/Leninist pro-Chinese communist organization in the United States.

b6
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[redacted] became the first chairman of the USCPFA in New York City and she is a former communist who resided for extended periods in the PRC and who more recently has been reported as an RU member. Recently, [redacted] of Fleetwood, Pennsylvania, replaced [redacted] as the chairman of the USCPFA in New York City and he also is a former CPUSA member who has resided for extended periods in the PRC. [redacted] has been currently identified as a leader of the RU. (X)

(U)

All recipients have reported current or past evidence of USCF or USCPFA within their field office territories. Of interest, it is noted [redacted], the leader of the RU in Philadelphia, has also been reported as the leader of the USCPFA in Philadelphia. [redacted] reportedly the leader of the RU in Los Angeles, is believed to be responsible for the USCPFA in Los Angeles. In other areas the USCPFA has been reported as strongly influenced or completely dominated by the RU.

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[redacted] all have had close and continuing contacts with representatives of the PRC either in the United States, Canada, or in Communist China. In 6/73 CHANG Hai-tai, Chief United Nations correspondent for the Shisinhua News Agency (official PRC agency) attended a meeting of the USCPFA in New York City along with a second PRC official. At a regional conference of the USCPFA held in Washington, D. C., 6/16-17/73, [redacted] a representative of the Liaison Office, PRC, Washington, D. C., was in attendance. [redacted]

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(S)

- 2 -

Greenberg/Gray-6938

~~SECRET~~

~~SECRET~~

Airtel to SAC's, Albany, et al
Re: United States - China Friendship Association, aka
United States - China People's Friendship Association
105-214731

(S)

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b7C

At a regional conference of the USCFA in Washington, D. C., on 6/16-17/73, representatives were in attendance from Atlanta, New York, Trenton and Princeton, New Jersey, Baltimore, and Washington, D. C., as were observers from Albany and Los Angeles.

[redacted] was present and appeared to be the leading activist and it was indicated New York was presently a quasi-headquarters of the USCFA. A West Coast meeting of the USCFA was planned for mid-September in San Francisco and East Coast representatives were invited to attend. It was stated that in the future an attempt would be made to force the various chapters of the USCFA into a national organization.

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Based on the above, it is desired all recipients review files and conduct any necessary investigation to establish the existence of USCFA or USCPFA chapters within their respective territories. This investigation should identify all present and past activists in the chapters, headquarters mail or contact addresses, the identity of publications (copies of which should be forwarded to HQ), and, specifically, any subversive influence or evidence indicating close association with the PRC. If an initial report has not been prepared on USCFA or USCPFA activity, one should be promptly forwarded to HQ together with appropriate recommendations. Thereafter, in instances of active USCFA or USCPFA activity, semiannual reports must be submitted. Any recipient determining there is no USCFA or USCPFA activity may forward a letter setting forth pertinent comments. New York has been designated origin in this investigation and copies of all communications should be furnished to the New York Office for information purposes. Any information relating to USCFA or USCPFA efforts to organize nationally or contact with PRC officials should be promptly furnished to HQ. The USCFA and USCPFA have sponsored a number of delegations to the PRC. Information relating to these delegations, of course, must be promptly forwarded to HQ.

Afford this investigation aggressive and innovative attention.

- 3 -

Greenberg/Gray-6939

~~SECRET~~

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DATE 04-22-2009

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WHERE SHOWN OTHERWISE

Information classified per letter dated 8-14-2009

LOCAL & STATE

January 23, 1980

(S)



b1

Dear [redacted]:

b6
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b7D

W. Mark O As the trial of former FBI officials Miller and Felt approaches, there have been a number of court orders, one of which touches upon our relationship with you. Over our objections, the court has ordered access under very carefully controlled circumstances to one document which contains some intelligence supplied [redacted]. It is contained in the last sentence on page two of the August 22, 1973, communication from Headquarters to certain field offices. The communication is attached to the enclosed January 23, 1980, memorandum from Assistant Attorney General Philip B. Heymann to me.

b1

(S)

This trial has been highly publicized and is very controversial. I am informed that the only alternative to compliance with the court's order is dismissal of the indictment. In that eventuality, the role of the FBI in that result would be a matter of searching scrutiny. The case has been in preparation for almost two years and thousands of documents are involved.

b1

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

1 - Mr. Daly
1 - Mr. O'Malley

WHW:mfd

MAIL ROOM

56 MAR 18 '80

~~SECRET~~

62-118045-252
Delivered personally 1/24/80
EJG/OK
4-365 62-118045-
CLASS. & EXT. BY Director
REASON-FCIM II, 1-2-4.2 (2+3)
DATE OF REVIEW January 23, 2000
Greenberg/Gray-6940

FBI/DOJ

~~SECRET~~

(S)

b1

As you will note from Mr. Heymann's memorandum, the Government does not anticipate that defense counsel or defendants will have any interest in this particular document for trial purposes. In any event, the defendants would have to seek a court order to produce the document for trial should they desire to use it and the Government would oppose its use. Under the court order, disclosure would be to cleared counsel in a Department of Justice vault; defense counsel will not have possession of the documents. They may make notes which must be stored in an appropriate safe and are subject to a protective order.

Notwithstanding the Department's assessment of the risk, we take our obligation to you as the provider of this information most seriously. We have consistently interposed objections to its dissemination on your behalf. We recognize an obligation to inform you of these developments and of the court order. If you are willing to acquiesce in the procedures outlined in the court's order and in Mr. Heymann's enclosed memorandum, the Department will oppose any use or disclosure of your material at trial. If you wish to prevent the limited disclosure of your information to the defendants and their counsel, as outlined in Mr. Heymann's memorandum and the court order, it will be necessary for you to advance your objections to the Attorney General or the President.

I have asked Deputy Assistant Director Edward J. O'Malley to discuss the contents of this letter with you and to deliver it to you or not, as you prefer. He will be glad to answer any other questions that might be helpful to you in making your own assessment.

Sincerely,

William H. Webster
Director

Greenberg/Gray-6941

~~SECRET~~

0 050059Z JAN 80

FBI/OTTAWA (60-545)

TO DIRECTOR IMMEDIATE 023-25

RECEIVED
TELETYPE UNIT

25 JAN 80 b1 39z

BT

~~SECRET~~RECEIVED
FEDERAL BUREAU
OF INVESTIGATION
COMMUNICATIONS SECTION

ATTENTION E.J. O'MALLEY, INSPECTOR-DEPUTY ASSISTANT DIRECTOR

UNITED STATES VERSUS L. PATRICK GRAY III, ET AL; DISCOVERY
PROCEEDINGS.

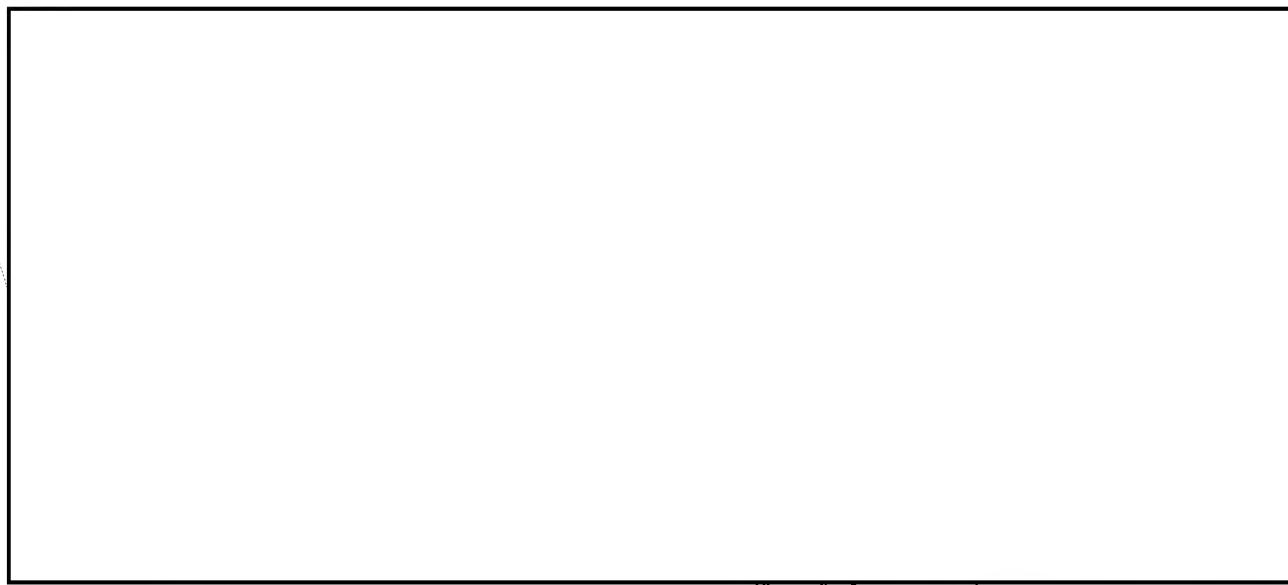
RETELCALL FROM LEGAT OTTAWA TO DEPUTY ASSISTANT DIRECTOR

O'MALLEY, JANUARY 25, 1980.

Excc. AD-Ins.	_____
Excc. AD-Actv.	_____
Excc. AD-LES	_____
Act. Elz.	_____
Adm. Servs.	_____
Crim. Inv.	_____
Ident.	_____
ICAC	_____
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Rec. Mgmt.	_____
Tech. Servs.	_____
Training	_____
Public Affs. Off.	_____
Telephone Rec.	_____
Director's Sec'y	_____

✓ E.O. O'MALLEY

(S)



b1

BT

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Continuation
per Ottawa
TT 428180 5 FEB 23 1980

~~SECRET~~

62-118045

56 MAR 18 '80

Greenberg/Gray-6942

UNITED STATES GOVERNMENT

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DATE 04-21-2009 BY 65179 dmh/baw/sbs

Memorandum

FEDERAL GOVERNMENT

TO : Joseph L. Tierney
Federal Bureau of Investigation

FROM : John W. Nields, Jr. *John*
Special Counsel

SUBJECT: United States v. Felt, et al

DATE: January 25, 1980

w. mark

I am attaching a letter from the attorney for W. Mark Felt. By the " [redacted] Memorandum" Mr. Gettings is referring to the Arbor Gray policy memo. Please advise whether we have complied with his request. If not, please do so at the earliest possible opportunity.

b6
b7C

*Exhibits and
Classification*

(b)

62-118045-254

5 FEB 26 1980

4-84

62-118045 Greenberg/Gray-6943



ENCLOSURE

56 MAR 18 '80

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Form OBD-197
MAY 1978

LAW OFFICES
LEONARD, COHEN, GETTINGS AND SHER

JERRIS LEONARD
HARVEY B. COHEN
BRIAN P. GETTINGS
DAVID E. SHER
WILLIAM L. STAUFFER, JR.
JOANNE F. ALPER
JAMES T. DEVINE
FRANK W. DUNHAM, JR.
MARK D. CUMMINGS*
WALLACE H. KLEINDIENST
*MEMBER VIRGINIA BAR ONLY

SUITE 550
1700 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
(202) 872-1095

VIRGINIA OFFICES
1400 NORTH UHLE STREET
COURTHOUSE SQUARE
ARLINGTON, VIRGINIA 22216
(703) 525-2260

January 21, 1980

John W. Nields, Jr., Esq.
F.B.I. Task Force
Department of Justice
Room 2304, Main
Washington, D.C. 20430

Dear John:

Earlier in the discovery process, we made an oral request for a copy of the " [redacted] Memorandum" referred to in your A _____ summary pleading as Al3 together with all attachments and documents referred to therein. Pursuant to that request, we did receive a copy of the " [redacted] Memorandum" and a few attachments.

b6
b7C

We would like to renew our request at this time and ask that you furnish us, as soon as possible, with copies of all attachments and documents referred to in the memo.

We look forward to receiving these documents in the near future.

Sincerely,

LEONARD, COHEN, GETTINGS & SHER

Brian
Brian P. Gettings

BPG:kw

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DATE 04-21-2009 BY 65179 dmh/baw/sbs

62-118085-254

ENCLOSURE

Greenberg/Gray-6944

Greenberg/Gray-6945

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DATE 04-21-2009 BY 65179 dmh/baw/sb's

Exec. Ad-Inv.
Exec. Ad-Adm.
Exec. Ad-LES
Asst. D.I.:
Adm. Servs.
Crim. Inv.
Ident.
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Laboratory
Legal Coun.
Plan & Insp.
Rec. Mgmt.
Tech. Servs.
Training
Public Affs. Off.
Telephone Rm.
Director's Sec'y

0 281520Z JAN 80

28 JAN 80 1618Z

FM OTTAWA (62-548)

TO DIRECTOR IMMEDIATE 024-28 COMMUNICATON SECTION

BT

UNCLAS E F T O

ATTENTION: E. J. O'MALLEY, INSPECTOR-DEPUTY ASSISTANT DIRECTOR
UNITED STATES VS. D. PATRICK GRAY, III, ET AL; DISCOVERY

PROCEEDINGS.

REOTTEL, JANUARY 25, 1980.

62-118045-255

LAST WORD IN RETEL SHOULD BE "CONTINUATION", RATHER THAN CONFIRMATION.

FEB 26 1980

RETEL SHOULD SHOW CLASSIFYING INFORMATION AS FOLLOWS:

~~C AND E BY 1453, REASON 1, DRD JANUARY 25, 2010.~~

BT

J. H. T.
62-118045 J. Perrier
FM 6992

56 MAR 18 '80

Information classified per letter dated 8-14-2009

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

~~SECRET~~

TO : The Director *WALD*

FROM : E. J. O'Malley *EJ*

SUBJECT: U.S. VS FELT, ET AL

DATE: 1/28/80

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AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 04-22-2009

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intel. *WALD* _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. *WALD* _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

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WHERE SHOWN OTHERWISE

W. Marks
PURPOSE:

(S)

b1

SYNOPSIS:

(S)

b1

Enclosure - Sent 1/28/80
EJO:mjt (5)

62-118043-0560

- 1 - Mr. Gregar
1 - Mr. O'Malley
1 - Mr. Daly
1 - Mr. Steel

5 FEB 03 1980

~~SECRET~~

CONTINUED - OVER

AC
1 ENCLOSURE

CLASS. & EXT. BY 115
REASON-FCIM II, 1-2.4.2 (2 & 3)
DATE OF REVIEW January 28, 2000

62-Greenberg/Gray-6946



56 MAR 18 '80

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

~~SECRET~~

Memorandum to The Director
Re: U.S. VS FELT, ET AL

RECOMMENDATION:

That a copy of this memorandum and its attachment
be furnished to the Department of Justice to facilitate a
(S) request to the court for an extension of time to permit
consultation at high levels in the [redacted] Government.

b1

APPROVED: Director *W.H.G.* Legal Coun. *J.H.*
cc. AD-Inv. _____ Plan. & Insp. _____
cc. AD-Adm. _____ Rec. Mgmt. _____
cc. AD-LES _____ Ident. _____ Tech. Servs. _____
Intell. _____ Training _____
Laboratory _____ Public Affs. Off. _____

DETAILS:

(S)

b1

- 2 -
~~SECRET~~

Greenberg/Gray-6947

CONTINUED - OVER

~~SECRET~~

Memorandum to The Director
Re: U.S. VS FELT, ET AL

(S)

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- 3 -

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CONTINUED - OVER

Greenberg/Gray-6948

~~SECRET~~

Memorandum to The Director
Re: U. S. VS FELT, ET AL

(S)



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- 4 -

~~SECRET~~

Greenberg/Gray-6949

~~SECRET~~

FEDERAL GOVERNMENT I - Mr. Cregar
I - Mr. O'Malley
I - Mr. Daly
I - Mr. Steel

Mr. Philip R. Heymann
Assistant Attorney General
Criminal Division

January 28, 1980

Director, FBI

U. S. VS FELT, ET AL

W. Mark

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DECLASSIFICATION

AUTHORITY DERIVED FROM:

FBI AUTOMATIC DECLASSIFICATION GUIDE

EXEMPTION CODE 25X(6)

DATE 04-22-2009

(S) Enclosed is a copy of a memorandum from Deputy Assistant Director Edward J. O'Malley, Intelligence Division, to me which recounts a discussion between FBI [redacted] representatives regarding the January 17, 1980, court order to disclose [redacted] information to the defense for discovery proceedings.

b1

(S) [redacted]

(S) In accordance with this request and in view of [redacted] I am requesting b1 that you seek as much time as possible from the court to enable the [redacted] Government to reach a decision and to make that decision known to our Government.

Enclosures (2)

EJO:mjt (7)

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WHERE SHOWN OTHERWISE

APPROVED:

Director [initials]
Exec. AD-Inv. [initials]
Exec. AD-Adm. [initials]
Exec. AD-LES [initials]

Adm. Serv. _____
Crim. Inv. _____

Ident. _____
Intell. _____
Laboratory _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

62-118045-257

~~SECRET~~

CLASS. & EXT. BY 115
REASON-FCIM II, 1-2-4.2 (2 & 3)
DATE OF REVIEW January 28, 2000

62-118045

Exec AD Inv. _____
Exec AD Adm. _____
Exec AD LES _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
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Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

MAIL ROOM

56 MAR 18 '80

~~SECRET~~

Greenberg/Gray-6951

FBI/DOJ

~~SECRET~~

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EXEMPTION CODE 25X(6)
DATE 04-22-2009

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Exec AD Inv.	_____
Exec AD LES	_____
Asst. Dir.: Adm. Servs.	_____
Crim. Inv.	_____
Ident.	_____
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Rec. Mgmt	_____
Tech. Servs.	_____
Training	_____
Public Affs. Off.	_____
Telephone Rm.	_____
Director's Sec'y	_____

1/29/80

Mr. Boynton:

(S) Attached is the Department's letter to the court regarding their intended disclosure of [redacted] information in discovery in this matter.

b1

(S) It is noted the reference to a phone call to the Director [redacted] is erroneous and this has been brought to Nield's attention.

b1

(S) The Department asks the court to grant a delay in its compliance with 1/17/80 order until 2/12/80 allowing [redacted] to convey its position to the U. S. Government.

b1

W. L. Bailey

W. L. BAILEY

WLB

- 1 - Mr. Colwell
1 - Mr. Cregar
1 - Mr. Steel
1 - Mr. Mintz
1 - Mr. Bailey
1 - Mr. Mullen
1 - Mr. Daly

4-PV.C

WLB/ADS 62-118045-258

PVD:mjl (8)

5 FEB 26 1980

ENCLOSURE

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

62-118045

~~SECRET~~

Greenberg/Gray-6952

56 MAR 18 '80

Date of Mail 1-28-80

Classification of Mail:

- Unclassified
- Confidential
- Secret
- Top Secret
- SCI

Mail Category

- | | |
|----------------|----------------|
| Letter _____ | Airtel _____ |
| LHM _____ | Memo <u>XX</u> |
| Report _____ | Other _____ |
| Teletype _____ | |

Subject FELT, MARK W.Originator of Material FBIHQ

This serial has been removed and placed in the Special File Room of Records Branch.

Authority - 62-116065

File Number 62-118045-257X

PERMANENT SERIAL CHARGE-OUT

Greenberg/Gray-6955

UNITED STATES GOVERNMENT

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DATE 04-22-2009 BY 65179 dmh/baw/sbs

Memorandum

FEDERAL GOVERNMENT

TO : Paul V. Daly *PV*
Federal Bureau of Investigation

FROM : Francis J. Martin *FJM*
Criminal Division

SUBJECT: Foreign Influence Summary

DATE: January 29, 1980

L. Patrick Gray

Enclosed is another copy of the foreign influence summary together with a cross reference between the exhibit numbers (D-1 thru D-21) and [redacted] write-ups (DSF-1 thru DSF-29) or other sources. The FBI information should be reviewed to assure that it is in fact unclassified or that although classified Division 5 has agreed to its release. You may wish to have [redacted] do the initial review which would then isolate the few issues that will require review by Division 5. However, you should use whatever procedure you feel will be the most efficient.

b6
b7C

I have attached as enclosure "A" pages 13 thru 28 of Felt's specific document #841. * These pages deal with antiwar conferences. Although stamped secret, the absence of paragraph markings by [redacted] and the nature of the information lead me to believe that the information is unclassified. Please let me know if this is the case.

b6
b7C

Thanks *62-118045-259*

5 FEB 26 1980

cc: Robert Finzel

ENCLOSURE
ENCLOSURE ATTACHED

J Greenberg/Gray-6956

* Monograph 11/21/69
Foreign Support for Revolutionary
Protest Movements in the U.S.
Classification retained by SVA/482
on 9/21/78 - needs recheck EJK
Xeroxers handling 1/30/80

Answered by 2/15/80

SET

62-118045-4-SK

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

56 MAR 18 '80



Form OBD-197
MAY 1978

D-1	DSF-2	D-19	CIA
D-2	DSF-4	D-20	Washington MPD
D-3	DSF-5; DSF-6	D-21	See Nields to Cregar memo dated 1/4/80; Subject: Declassification - [redacted]
D-4	DSF-9; DSF-10		[redacted]
D-5	DSF-12		
D-6	DSF-11		
D-7	(See enclosure "A")		
D-8	NSA Summaries		
D-9	DSF-16		
D-10	DSF-15		
D-11	DSF-18		
D-12	DSF-14		
D-13	DSF-22		
D-14	FBI Admissions		
D-15	DSF-14; DSF-25		
D-16	DSF-25		
D-17	DSF-26; CIA		
D-18	CIA		

b6
b7C

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Greenberg/Gray-6957

~~SECRET~~

For several years, the NCNA has been forwarding large quantities of anti-United States propaganda material to Negro publications and pro-Chinese communist groups in the United States. Information was received in May, 1968, which disclosed the NCNA had commenced circulating photographs in this country depicting racial riots, arsonist activity, and other civil disorders participated in by the American Negro.

(U) Data was received on May 3, 1968, revealing a news release had been sent from China Features, Peking, China, to the Black Organization of Students, Rutgers University, Newark, New Jersey. The news release contained a statement by Mao Tse-tung in which mention was made of support of the Afro-American struggle against violent repression.

The BPP makes widespread use of the "Red Book" in instructing its members. The "Red Book" is a collection of quotations by Mao Tse-tung. Sections of it have been incorporated into the BPP "Political Education Kit." One such section advocates the abolition of war through war and states that in order to get rid of the gun it "is necessary to pick up the gun."

During January, 1969, a BPP leader in Los Angeles had a poster in his possession which had been published by the Peoples Fine Arts Press, Shanghai, China. It was captioned "Support the Peoples of the World in Their Anti-Imperialist Struggle."

E. International Conferences

Numerous conferences throughout the world during the past few years have evidenced both the international character of the revolutionary protest movement and the desire of foreign elements to influence the conduct of that movement within the United States. The majority of these meetings have focused on opposition to the United States position in Vietnam. As active participants in these gatherings, representatives of militant groups within the United States have joined with their foreign counterparts in efforts to undermine the United States. A representative sampling of such conferences will illustrate this point, and, in addition, give some indication as to the disruptive, anti-United States proposals made at them.

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 04-22-2009
Pages 13-28 only

~~SECRET~~

~~SECRET~~

1. International Conference on Vietnam

Stockholm was the scene of the International Conference on Vietnam held from July 6 through July 9, 1967. The World Peace Council, an international communist front organization, was one of the principal organizers of this conference. Among the 452 persons who attended the conference were delegates from communist countries. Among those present from the United States were Dr. Benjamin Spock; CPUSA National Committee member Herbert Aptheker; the Reverend James Bevel; [redacted] of Women's International League for Peace and Freedom; and [redacted] then an official of the National Conference of New Politics. V

b6
b7C

The conference made plans for a world "Peace in Vietnam Day" to coincide with the antiwar demonstration in Washington, D. C., on October 21-22, 1967. Our investigation of this matter disclosed that a massive demonstration of approximately 35,000 people took place in Washington, D. C., which demonstration culminated with an assault on the Pentagon. Demonstrations were also held in various other cities, both inside and outside of the United States. V

2. Latin American Solidarity Organization (LASO) Conference

In July and early August, 1967, Stokely Carmichael, of the Student Nonviolent Coordinating Committee, was a guest of the Cuban Government and an "honorary delegate" to the conference of the LASO held in Cuba. He sought to tie in the Negro extremist activities in the United States with the anti-imperialist revolutionary struggle which was the basic theme of the conference. With headquarters in Havana, Cuba, LASO was formed by communist, revolutionary and terrorist groups from various Latin American countries dedicated to the violent overthrow of imperialism, particularly United States imperialism. V

3. Bratislava Conference

Another so-called peace conference was held at Bratislava, Czechoslovakia, from September 6 through September 13, 1967. Among the 41 persons from the United States who attended the conference were: David Dellinger, who led the

~~SECRET~~

delegation from the United States; SDS leader [redacted] and [redacted], who headed an SDS delegation of nine; [redacted] and [redacted] both of SNCC; [redacted] of the Student Mobilization Committee; b6 [redacted], a writer for the "New Republic" magazine; b7C [redacted] and [redacted] both of the American Friends Service Committee; [redacted] a professor at Yale University; and [redacted] of "Ramparts" magazine. U

Both North Vietnam and the NLF sent delegations to the conference. U

The delegates from the United States to the Bratislava conference were furnished free lodging and meals while at the conference but were required to pay their own transportation expenses. They were thoroughly briefed by Dellinger well in advance of their departure and were instructed to be prepared to give reports and participate in discussions on various topics, including the antiwar, student and civil rights movements and an analysis of the current American political situation. Dellinger told the delegates that the purpose of the conference was to create solidarity and mutual understanding between revolutionaries from Vietnam and their supporters in the United States and that the delegates were chosen on the basis of their experience in radical activity. U

4. International Cultural Congress

In January, 1968, an International Cultural Congress, attended by more than 500 delegates and observers from all over the world, was held in Cuba. Some 25 individuals from the United States were present, including David Dellinger and SDS leaders [redacted] and [redacted]. Five members of SNCC reportedly traveled to Havana to attend this conference. This travel was handled through the [redacted] Mission to the United Nations [redacted]. The announced purpose of this conference was to obtain unity of action in Cuban anti-imperialism fights. U

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5. Japanese Conference on Vietnam

An international meeting sponsored by Beheiren, a Japanese peace group, was held in Kyoto, Japan, August 11-14, 1968. Approximately 250 antiwar activists including 23

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from the United States were in attendance at this conference. Discussion centered on such subjects as how to wage a campaign against war and for social change throughout the world, how to deal with the Okinawa issue and the United States - Japan Security Pact, how to assist United States deserters and draft evaders and how to coordinate antiwar movements around the world. V

6. International Assembly

Columbia University was the site of an International Assembly held in September, 1968. This Assembly was sponsored by the Columbia University chapter of SDS and representatives from many foreign countries were in attendance. Much of the activity of the Assembly centered around revolutionary tactics to be employed by students. V

7. Budapest Conference

A group of 20 American antiwar activists including SDS members traveled to Budapest, Hungary, in September, 1968, to meet with representatives of North Vietnam and the National Liberation Front. Nine of the group from the United States had taken part in the demonstrations at the Democratic National Convention in Chicago a few weeks before this trip. The meetings were arranged by David Dellinger and centered on the Paris Peace Talks, on prospects for further student unrest in the United States and on furthering unrest among American servicemen. V

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8. Hemispheric Conference to End the War in Vietnam

From November 28 to December 1, 1968, the Hemispheric Conference to End the War in Vietnam was held in Montreal, Canada, hosted by the Communist Party of Canada. It was attended by approximately 1,700 delegates and observers, including a five-man delegation from North Vietnam, headed by Hoang Minh Giang, Minister of Culture, and a two-man delegation from the National Liberation Front of South Vietnam. Others in attendance included extremists, communists, pacifists and student radicals from North and South America. V

The approximately 25 BPP members in attendance, with the aid of white radicals, took over control of the conference following a series of fights and scuffles. Together with other extremists they attacked the "solidarity with the

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"Vietnamese" theme, wanted to assist North Vietnam and the Viet Cong and wanted to denounce American imperialism. A participant at the conference described the BPP members as "black storm troopers" and said that no decision was made at the conference without consideration of the Panthers' reactions. U

BPP leader [redacted] addressed the conference on December 1, 1968, and called for the overthrow of colonial powers. Seale also had a series of conferences with the North Vietnamese and National Liberation Front delegations. U

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9. Stockholm Conference on Vietnam

The Stockholm Conference on Vietnam was held May 16 through 18, 1969. Approximately 350 to 400 individuals from 52 countries representing a myriad of peace and antiwar groups were present. About 25 individuals from the United States attended. U

This conference was requested jointly by the National Liberation Front of South Vietnam (NLF) and the Democratic Republic of Vietnam (DRV) delegations to the Paris Peace Conference. The basic theme was to promote acceptance among the world's intellectuals of the 10-Point Program advanced by the NLF and DRV at the Paris Peace Conference. They felt that if they could convince the conference participants that this program was the only legitimate answer to the Vietnam situation, the influence those individuals had in their respective countries would be sufficient to build world opinion in support of the 10-Point Program. U

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A report of the Working Group on Action of this conference set forth seven proposals to be used to undermine support of the United States position in Vietnam. These were:

- a. Collection of signatures of prominent people to be publicized in newspapers.
 - b. National and international demonstrations on July 4 in the form best suited to the organizations and the movement in each country. Specific suggestions called for vigils outside United States Embassies on July 4 and the reading aloud of names of Americans killed in Vietnam.
 - c. Boycott of United States firms providing goods for the war in Vietnam or engaged in the transporting of such goods.
 - d. Increased international support for draft resistance in the United States and by Americans abroad; encouragement of defection from the United States armed forces; and, opposition within the Army.
 - e. Increased support of the 10-Point Program of the NLF and exposure of "the weaknesses" of President Nixon's Eight-Point Program.
 - f. A campaign for recognition of the National Liberation Front of South Vietnam and the Democratic Republic of Vietnam by more world governments.
 - g. The issues of the war in Vietnam, particularly the unconditional withdrawal of United States troops and the 10-Point Program of the NLF, should be stressed as widely as possible at all national and international conferences. ✓
- With regard to proposal number one enumerated above, the June 25, 1969, edition of "The Washington Post" carried a three-quarter page advertisement calling for the President to end the war in Vietnam now. Specifically, the signers of this advertisement, many of whom have had communist affiliation, called for a halt to offensive military operations and the withdrawal of all United States troops within one year to begin immediately. ✓

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10. World Congress of Women and World Peace Council Conferences

SK:P
In June, 1969, delegations from the United States attended conferences of the World Congress of Women in Helsinki, Finland, and the World Peace Council in East Berlin, Germany. Both of these are international front groups controlled by the Soviet Union. These conferences served as forums for propaganda against the United States' position in Vietnam.

V

We have determined that the World Peace Council Conference in East Berlin, June 21-23, 1969, was concerned with the following points:

- a. Unceasing denouncement of United States imperialism.
- b. Recognition of the government of the German Democratic Republic by the United States and other countries within its sphere of influence.
- c. Encouragement to the Vietnamese to continue fighting inasmuch as they are fighting the battle of all emerging nations and this will give the latter the courage to fight their own wars of liberation.
- d. Support of provisional revolutionary governments wherever they occur.

The American delegation to this conference included communists, members of SNCC, and the various peace groups.

(U) 11. North American Conference of Anti-Imperialist Youth
Regina, Saskatchewan, Canada
May 7-12, 1969

SK:P (U) This conference was attended by more than 100 people from Canada and the United States. Approximately 12 of these individuals were United States citizens. The conference was oriented toward the Chinese-Communist point of view and was

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concerned with the working class struggle for democracy and socialism within the imperialist countries. It supported the following:

The struggle for the liberation of Quebec

The struggle of Afro-Americans and other minority groups against racial discrimination

The struggle of the revolutionary youth in the United States and Canada

The struggle of the Vietnamese people against "U. S. fascist aggression"

The struggle of the Czechoslovakian people against "Soviet fascist occupation"

(U) The "great proletarian cultural revolution and the Peoples' Republic of China." ~~(X)~~

The conference called for rallies, conferences and other programs against U. S. imperialism. One of the resolutions called for support of the "oppressed people" of the U. S. on such questions as racial discrimination and "fascist repression" and the struggles of students, servicemen and working class against monopoly capitalism. ~~(X)~~

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12. Conference Sponsored by the Voice of Women (Canada)

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The communist infiltrated Voice of Women (VOW), a Canadian women's organization, sponsored a visit to Canada by five Vietnamese women during the period July 3-17, 1969. On July 11 and 12, 1969, a two day conference was held at Vancouver, British Columbia. Approximately 136 Americans registered for this conference representing such groups as Women Strike for Peace (WSP), Women's International League for Peace and Freedom (WILPF), American Friends Service Committee (AFSC), and the War Resisters League (WRL). Both the Americans and the Vietnamese were very pleased with this conference and considered it to be a success. *u*

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Attendees were furnished an appeal from Pham The Truc, a member of the House of Representatives, Republic of Vietnam. This appeal called for the immediate halt of support for South Vietnam, the withdrawal of all U. S. military forces from Vietnam and for sincerity on the part of the U. S. Government at the Paris peace talks.

The American caucus to this conference issued a resolution which called for the following:

- a. Unconditional withdrawal of American troops from Vietnam.
- b. Removal from office of South Vietnamese leaders.
- c. Support of a Provisional Coalition Government in South Vietnam.
- d. Publicizing the 10-point program of the National Liberation Front.
- e. A campaign against chemical and biological warfare.
- f. Contacts with U. S. Congressmen to urge their support for withdrawal of U. S. troops from Vietnam.
- g. Recommending a nation-wide demonstration against the war be held in Washington, D. C. on November 15, 1969. u

This American resolution also contained suggestions for action in their fight against the war in Vietnam. It stated their approach should always be multi-level in order to reach more people and that the cost of the war should be related to the many problems the U. S. faces on the domestic front. It was also suggested that opposition should be raised against repressive action and legislation aimed at war dissenters.

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13. World Conference of Youth and Students
for Vietnam Solidarity
Helsinki, Finland
August 23-27, 1969

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was invited
to by the
Working Group

This conference was called as a result of Vietnamese youth organizations appealing to the World Federation of Democratic Youth (WFDY) and the International Union of Students (IUS), international youth organizations which are controlled by the Soviet Union. u

The United States was to have been represented by a delegation made up of members of the W. E. B. DuBois Club and the Black Panther Party (BPP). This group was to have traveled to Helsinki, Finland, by way of the Soviet Union utilizing the Soviet airline, Aeroflot; however, through a mix-up Aeroflot declined to honor the tickets of the group and they did not make the trip. u.

14. Conference of the International Liaison Committee
of the Stockholm Conference on Vietnam
Stockholm, Sweden
October 11-12, 1969

Note: the
Working
Group →

As noted above, in May, 1969, the Stockholm Conference on Vietnam was attended by approximately 400 representatives from 52 countries including several individuals from the U. S. This conference was requested jointly by the National Liberation Front of South Vietnam (NLF) and the Democratic Republic of Vietnam (DRV) delegations to the Paris Peace Conference. The basic theme was to promote acceptance of the program advanced by NLF and DRV at the Paris Peace Conference. A subsequent report of the Working Group on Action of this conference set forth several proposals to be used to undermine support of the U. S. position in Vietnam. These proposals included collecting and publicizing signatures of prominent people opposed to the war; national and international demonstrations on specific dates; increased international support for draft resistance and opposition within the U. S. military forces; and a campaign for recognition of the NLF and DRV by the governments of other nations. u

A meeting of the International Liaison Committee of the Stockholm Conference on Vietnam was held October 11-12, 1969, in Stockholm. Two representatives of the New Mobilization Committee to End the War in Vietnam (NMC) attended the meeting

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at which were representatives from anti-Vietnam war organizations in 20 countries as well as the DRV and NLF. This meeting was held to hear reports on the Fall Offensive of NMC and to formulate a call for worldwide demonstrations on 11/15/69. A call was issued for immediate consultations to begin with all international and national organizations taking part in the Fall Offensive with a view to launching a united initiative for the immediate, total and unconditional withdrawal of U. S. and allied troops from South Vietnam. *U*

In addition to planning for a conference no later than early January, 1970, suggestions were made for activities for the Fall Offensive. These suggestions included:

1. Demonstrations at New Zealand and Australian embassies focused on their involvement in U. S. war against Vietnam.
2. Traveling teams of Vietnamese and Americans to speak in European countries. The Vietnamese liked this idea and were to discuss it when they returned to Paris.
3. A delegation of Americans to meet with Vietnamese in Paris as soon as possible to discuss developments in the anti-war movement in the U. S.
4. A worldwide day of prayer for Vietnam on November 15 or 16.
5. A worldwide day of collection for Vietnam at temples and churches during December. *U*

Deep and extensive concern was expressed that November 15 would not be seen as the end of the offensive. Delegates expressed strong hopes that the New Mobilization Committee would very soon project plans for action after November 15. *U*

F. Visits to the United States by Foreign Revolutionaries

The virtual lack of travel restrictions by the United States, coupled with the comparative ease in obtaining a United States visa, practically eliminates any problems foreign leftists have in traveling to the United States. There have been numerous such individuals who have traveled here in the

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past for varying reasons. Notable among these are [redacted] from Belgium and Karl Dietrich Wolff from Germany. u

[redacted] is a leading member of the Trotskyite Secretariat of the Fourth International. He is also an activist in the New Left movement throughout Western Europe. [redacted] was active in founding the anarchistic Socialist German Students Federation (German SDS) in Berlin, Germany, and is friendly with leaders of various radical youth groups in Western Europe. [redacted] trip was arranged by the Socialist Workers Party (SWP) while the Young Socialist Alliance (YSA) organized the tour of [redacted]. These two individuals, during September and October, 1968, made separate tours which took them to some 50 college and university campuses from coast to coast and border to border. Each appearance made by these two individuals was marked by their espousing the revolutionary doctrine of the New Left before United States college students. u

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Karl Dietrich Wolff, a former national chairman of the German SDS, entered the United States on February 25, 1969, reportedly to engage in a speaking and fund raising tour arranged for him by SDS. He appeared at some 16 colleges throughout the country and did not miss any opportunity to spread seeds of discontent and anarchy. He cited examples of harassment and disruption and announced the need to build an international revolutionary alliance, adding that victory for the movement in one country is a victory for the movement in another. u

Wolff was subpoenaed to appear before the Senate Internal Security Subcommittee and during his testimony expressed support for the regimes in Cuba and North Vietnam, the Viet Cong, and the National Liberation Front of South Vietnam. u

A BPP rally in Los Angeles, California, on November 6, 1968, was addressed by a Mexican student who was reportedly associated with the Student Strike Committee of Mexico City, Mexico, which organization had been involved in violent clashes with Mexican police and military units. During a subsequent meeting, it was agreed that Mexican student leaders would come to Los Angeles to instruct the BPP in disruptive tactics and that BPP members would go to Mexico for training. u

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G. Contact Between Leaders of United States Protest Groups and Representatives of Foreign Communist Groups.

1. New Left Movement

Cuba and North Vietnam have been particularly strong magnets for New Left protest groups. Much of the strength of these organizations derives from their ability to maintain close relationships and dialogues with foreign establishments. For instance, the National Mobilization Committee to End the War in Vietnam (NMIC) maintains a foreign contact list of over 300 individuals and organizations throughout the world. Its chairman, David Dellinger, has travelled to the Soviet Union, North Vietnam, Czechoslovakia, Cuba and Sweden in furtherance of opposition to the war in Vietnam. The NMIC and Dellinger maintain almost constant contact with the Governments of Cuba and North Vietnam and representatives of the National Liberation Front of South Vietnam. Dellinger feels such contacts give the NMIC and himself notoriety and build their image in the movement. *u*

One of the most highly publicized visits to North Vietnam was a ten-day trip made in December, 1965, by [redacted] a former member of the American Youth for Democracy, a defunct communist youth group; Herbert Aptheker, a member of the National Committee of the CPUSA and Thomas Hayden, one of the founders of SDS. Their trip was not authorized by the State Department. It was described by the three travellers as a "fact-finding" mission. *u*

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✓ Following the Bratislava Conference held in September, 1967, Hayden and two other SDS members travelled to North Vietnam. *u*

✓ In February, 1968, 20 SDS members visited Cuba and, while there, held conferences with representatives of the National Liberation Front, the political arm of the Viet Cong, and with individuals from North Korea. *u*

✓ In March, 1968, Carl Davidson, an SDS national officer, visited Cuba where he met with representatives of Communist China, North Korea and North Vietnam. [redacted] another SDS activist, visited North Vietnam in April, 1968. *u?*

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A group of 34 SDS members travelled to Cuba by way of Mexico in late August, 1968. Part of this group met with a representative of the National Liberation Front who stated that the New Left in the United States should conduct more and more demonstrations against the war in Vietnam. u

In November, 1968, four women representing the Women Strike for Peace travelled to the Soviet Union at the invitation of the Soviet Women's Committee. En route, they met with Madame Phan Thi Linh, head of the National Liberation Front of South Vietnam delegation to the Paris Peace Conference, in Paris, France. In the Soviet Union, the delegation was hosted by various women in influential positions throughout the Soviet Union. A representative of the group planned to (U) return via Prague, Czechoslovakia, and make contacts there. X

In April, 1969, it was determined that three individuals of the Women's International League for Peace and Freedom (WILPF) had received an invitation from the National Headquarters of the [redacted] of Women to visit [redacted]. On May 26, 1969, these [redacted] individuals travelled [redacted] by way of [redacted]. This was the last leg of a trip which had taken them through several South American countries. These individuals had attempted to have their passports validated for this [redacted] but the Passport Office denied their request. X

On June 20, 1969, a delegation of 20 individuals under the sponsorship of the Committee of Returned Volunteers (CRV) travelled to Cuba by way of Mexico City. This trip was organized with the full knowledge that it is contrary to State Department regulations; however, a statement adopted by the group indicated that the travel would be made without such approval as a further demonstration of the CRV opposition to United States policies. Available information indicated that all expenses over and above transportation were to be borne by the CRV Government. u

On July 7, 1969, a group of 31 individuals travelled to Cuba by way of Mexico City. This group contained members of the SDS and the CRV. While in Cuba, representatives of this group met with 18 representatives of the NLF and of North Vietnam. These individuals assured the American group of the legitimacy of the Provisional Revolutionary Government of South Vietnam and condemned the U. S. for its war crimes. These said they urged the anti-war activists to continue their fine work in resisting the U. S. war efforts and acknowledged the value of this activity. u

Do not
overlook
all the
CRV
travelers
before
during
the
7/69
SDS
trip,
and all
the travel
by lots
of other

non-SDS,
non-VB people ie see next page 20
+ see my writeup 13^{e.s.} part 1

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Bernardine Dohrn, a national leader of the SDS who participated in the above conference, held a press conference after her return to the U. S. in which she said total withdrawal of U. S. troops from South Vietnam is the first condition for peace. She then announced plans for demonstrations in Chicago, Illinois, in October, 1969, in support of that demand. u

✓
Other
travelers

Fourteen representatives of the WSP traveled to Cuba by way of Mexico City on July 11, 1969. This trip was made with the knowledge that the participants would not have their passports validated for such travel. According to the Cuban press service, "Prensa Latina" on July 29, 1969, the WSP delegation met with a delegation of Vietnamese women who were also visiting Cuba. The WSP group also met with members of the Central Committee of the Communist Party of Cuba and with the president of the Federation of Cuban Women. The Vietnamese women's delegation included a member of the Central Committee of the NLF and an official of the Provisional Revolutionary Government of the Republic of South Vietnam. u

CR ✓

On July 25, 1969, some 20 individuals representing the CRV traveled to Cuba by way of Mexico City. As in the case of the CRV sponsored trip to Cuba in June, 1969, this travel was made without securing State Department validation of individual participant's passports. u

(U)

It is interesting to note that at the CRV National Assembly held on September 12-16, 1969, a resolution in support of the Cuban revolution was passed. With regard to the CRV sponsored trip to Cuba in June, 1969, it has been ascertained that one of the participants while speaking with representatives of the Vietnamese Embassy in Havana was instructed not to speak in terms of revolution to American servicemen, but rather he should speak to the servicemen in terms of their families and whether or not the individual wanted to die. (S)

After ten years of consistent failure, the Castro Regime is going all out in an attempt to meet its established sugar quota. In so doing, the Cuban Government has underwritten and agreed to a group of Americans associated with the New Left traveling to Cuba to participate in the sugar harvest. u

The organization of the Venceremos Brigade came to light during June, 1969, when the formation of its Executive Committee was announced. This committee discloses it to be a broad coalition of various New Left-type groups as well as representatives from the Black Panther Party and the Revolutionary Union. u

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The Brigade originally was to consist of two groups of 150 people each. One of these groups is scheduled to travel to Cuba, November, 1969, and the other is to depart in January, 1970. Applicants are made to understand that they will be facing a different type of life and are warned that they must abide by the stringent Cuban laws pertaining to the use of marijuana and drugs. A rather detailed application is required of each applicant in triplicate which requires a voluntary statement as to the individual's background and his involvement and motivation in "the movement." *u*

An example of the ability of the subversive New Left movement to reach a wide audience is probably best illustrated by "Ramparts" magazine and its former Managing Editor Robert Scheer. *u*

"Ramparts" magazine espouses a line of opposition to United States domestic and foreign policy from a left-oriented position, utilizing sensationalist muckraking to draw the reader's attention to its attacks on various Government agencies. *u*

The political orientation of "Ramparts" magazine is a reflection of the activities and ideology of its former Managing Editor. Scheer has been extremely active in this country in a leadership capacity in a broad range of new left protest activities and openly espouses support of Fidel Castro and the Vietnam National Liberation Front. His foreign travels include a trip to Cambodia, Thailand and South Vietnam in February, 1966. In January, 1968, he attended the Cultural Congress held in Havana, Cuba, traveling to Cuba via Mexico City as an accredited correspondent. He stated he traveled with the approval of the State Department. He was again in Cuba from April 23, 1968, to May 10, 1968, and from December 31, 1968, to January 13, 1969, during which time he attended the celebration on January 2, 1969, of the 10th anniversary of the Cuban revolution. *u*

Demonstrative of Scheer's political ideology is the following statement made by Scheer in 1965, "The Viet Cong is a party of peace, and if I was in Vietnam, I would be on the side of the Viet Cong." *u*

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FEDERAL GOVERNMENT

January 31, 1980

Joseph L. Tierney
Federal Bureau of InvestigationU. S. VS. W. MARK FELT, ET AL.
TRIAL PREPARATIONDepartment of the Army (INSCOM)
Forrestal Building
Washington, D. C. *relocated*1 - Mr. Crescioli
1 - Mr. TierneyALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-22-2009 BY 65179 dmh/baw/sbs

Reference is made to our letter May 22, 1978, to you and its enclosures, copies of which are attached for your ready reference. We are unable to locate a copy of your response to that letter, and suspect we may have received your reply by telephone.

The Department of Justice is preparing for trial, scheduled for March 17, 1980, and these same documents have been requested by the defense for use in open court. Our prior referral to you was for use in discovery proceedings which involved disclosure only to defense counsel with appropriate clearances. The request now is to use the documents at a public trial.

Please note page two of the memorandum of A. J. Marchessault, August 23, 1951, which indicates investigative activity by your agents outside the U. S.

If you have any questions, please do not hesitate to call me at 324-4763 or John W. Nields, Jr., Esq., at the U. S. Department of Justice, 633-5218. *AC*

Enclosure

JLT:tdp (5)

NOTE:

Relet filed at 62-118045-14

Delivered by Liaison

on 2-4-80

by LAC

62-118045-260

5 FEB 23 1980

~~SECRET MATERIAL ATTACHED~~

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.:
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Intel. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgmt. _____
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____
 Telephone Rm. _____
 Director's Sec'y _____

MAIL ROOM

56 MAR 18 '80

J. L. TIERNEY

4-816
62-118045

FBI/DOJ

UNITED STATES GOVERNMENT

C) **Memorandum**

TO : Paul V. Dailey *PK*
Federal Bureau of Investigation
FROM : Francis J. Martin *FJM*
Criminal Division

DATE: February 5, 1980
FJM:ajw

SUBJECT: Foreign Influence Motion *FEDERAL GOVERNMENT*

I have completed a number of the exhibits (D-1 thru D-21) to the Government's memo of law on the foreign involvement of the Weathermen. [] is reviewing the memo to assure that all the Bureau information in the memo can be released. He is also paragraph marking the memo. I would like him to do the same for the exhibits which I have enclosed, i.e. assure that the Bureau information can be released pursuant to our previous discussions and have them paragraph marked. I would like to have these back as soon as possible.

Thanks again.

L. Patrick Gray

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Attachments D-1, D-2, D-3, D-4, D-5, D-6,
D-9, D-11, D-12, D-12 Supplement, D-13, D-17
enclosed.

*revised copy
recd 2/11/80*

Discussed 2/8/80 by Martin & Friedman with *AC*
Tierney, Donovan, Marsden, Brandon, McHargue, Mahoney
[] mostly completed except some exhibits needing
Div. 5 comment. *PK*

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Final answers given by 2/15/80 *PK*

Greenberg/Gray-7009

U 62-118045-261

5 FEB 26 1980

62-118045

*12 ENCLOSURE
ENCLOSURE ATTACHED*

56 MAR 18 '80

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Form OBD-197
MAY 1978

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-22-2009 BY 65179 dmh/baw/sbs
Envelope only

Greenberg/Gray-7010



62-118045-261

ENCLOSURE

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 05-11-2009

5/5/72

AIRTEL

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TO: ACTING DIRECTOR, FBI
FROM: SAC, PHILADELPHIA

SUBJECT: [REDACTED]

SM - REVOLUTIONARY ACTIVITIES (EXTREMIST)
aka
(OO: PH)
Bufile 100-466098
PH 100-53469

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b7C

WEATHFUG
(OO: CG)
Bufile 176-1594
PH 176-180

Re Bureau letter to Philadelphia 4/7/72, and
Philadelphia airtel to Director, 4/20/72 under the [REDACTED]
caption.

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As the Bureau and Chicago are aware, Philadelphia has instituted intensified investigation of [REDACTED] and his contacts based on the fact that [REDACTED] is a possible link in the WEATHFUG underground network, and referenced Bureau letter directed that Philadelphia submit a bi-weekly summary airtel of activities.

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Investigation by Philadelphia continues to be centered around three locations on West Harvey Street in the Germantown section of Philadelphia: 1) [REDACTED]
[REDACTED] 2) [REDACTED] and 3) a BP Gas Station located at the corner of Greene and Harvey Streets.

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2 - Bureau (RM)
1 - Chicago (Info.) (RM)
2 - Philadelphia (1 - 100-53469)
(1 - 176-180)

MPS/lss
(5)~~SECRET~~

Searched _____
Serialized _____
Indexed _____
Filed _____

M/H-53469-pub-C-3

M/H-53469-127

gr

PH 100-53469
176-180

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[redacted]
Philadelphia, Pa.

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[redacted] Apartment

ship with [redacted] continues to reside in common-law relation- b6
[redacted] in the second floor rear apartment, b7C
telephone #VI 8-1631.

On 4/24/72, a Volkswagen bearing Ohio license 817-7MM, driven by a young white female, was observed at the premises and the female driver entered the [redacted] apartment leaving shortly thereafter with [redacted]

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The records of the Bureau of Motor Vehicles, Columbus, Ohio reflect that the above Ohio license is registered to [redacted] Englewood, Ohio, Montgomery County. Cincinnati and Philadelphia indices negative re [redacted].

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Toward the end of the last week of April, a confidential source advised that a small package appearing to be several items of mail, arrived at the [redacted] apartment address addressed to [redacted]. The return address reflected it was from [redacted] Vt.

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[redacted] Apartment

b6
b7C

[redacted] pays the rent and subscribes to telephone #VI 3-0678. at the second floor front apartment at [redacted] has not been positively identified as having ever appeared at the apartment, and was not known to have any connection with captioned investigation until April 1972.

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b7C

Toll records pulled on [redacted] telephone number [redacted]

b6
b7C

reflect a call to the residence of [redacted]
N. Y.

~~SECRET~~

Not a FOIA redaction

- 2 -

Greenberg/Gray-7042

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176-180~~SECRET~~

[redacted] is known to [redacted] and the Bureau as a known [redacted] agent for the past 12 years.
 Soviet Intelligence Service (SIS)

The [redacted] Division has further advised that both [redacted] and his wife are former CP members. [redacted] engaged in [redacted]. His wife, [redacted] is [redacted]

[redacted] Both usually travels to New York City to meet with Soviet principals.

[redacted] born [redacted] is a graduate student at State University of New York, traveled to Moscow as a guest of KGB, and is currently operated by [redacted] as a "spotter." SIS Soviet Intelligence

Mr "B" → [redacted] born [redacted] attended the University of [redacted] years and currently works for his father. He has no known subversive activities; however, his dress and appearance are of ["hippie type"] and Buffalo advised it is possible he could be mistaken as female.

[redacted] born [redacted] has been studying in [redacted] for the past two years under program of [redacted] organization. She has no known participation in subversive activities.

[redacted] born [redacted] resides with parents and is currently a high school student with no record of subversive affiliations.

[redacted] advised it is their opinion that the only member of the [redacted] family who could logically have any current Weatherman connections would be [redacted] who was at home when the [redacted] sedan registered to [redacted] appeared at the [redacted] residence (as previously reported).

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Soviet Intelligence SIS

Information re above [redacted] activity received from [redacted] a highly confidential source, and extreme caution must be exercised handling any information attributed to this source.

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[Buffalo] further advised that toll checks on [redacted] reflect no calls directed to numbers in the Philadelphia area.

On 4/24/72, it was learned from a confidential source that the person known as [redacted] pays the monthly rent for the second floor front apartment by money order from the Girard Bank, Schoolhouse Lane Branch, Philadelphia, Pa. The money orders are signed [redacted]

[redacted] Abington, Pa. The source indicated he felt it strange that [redacted] would rent the apartment in [redacted] yet use the [redacted] address on her money orders which is where she apparently lives and which is close to her place of employment at [redacted] in Jenkintown, Pa. Both her residence and employment are some distance from the [redacted] apartment.

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Physical observation by Bureau Agents observed that [redacted] resided at and received mail at the [redacted] apartment until approximately 5/2 or 5/3/72. She has not been seen at the premises since, though her name remains on the mailbox.

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b7C[redacted]
Philadelphia, Pa.b6
b7C

On 4/19/72, discreet surveillance by Bureau agents ascertained that on that date, [redacted]

[redacted] who resides at [redacted] [redacted] had just arrived at that address from an unknown origin and again took up residence at [redacted]

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[redacted] is a garage type apartment located in a well screened, secluded back yard. Motor vehicles which have in the past been associated with [redacted] were not observed in the area.

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[redacted] were not observed at this address subsequent to 4/19/72 until 4/27/72 at which time [redacted] was observed at [redacted] Street (see section on [redacted]).

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~~SECRET~~

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176-180

On 4/26/72, surveillance in the vicinity of [redacted] revealed a blue or black Chevrolet, Pa. license #08676D, and a cream colored Cadillac, Pa. license #15427Y, parked in the yard at the [redacted] address.

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The Pennsylvania BMV, Harrisburg, Pa., reflected Pa. license 08676D is registered to a [redacted] Philadelphia, Pa., for a 1971 Ford coupe.

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Philadelphia indices reflect a 165-1147 master file on [redacted].

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Pennsylvania BMV records reflect Pa. license 15427Y is registered to [redacted] Street, Philadelphia, for a 1967 or 1968 Cadillac sedan.

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Philadelphia indices reflect a reference only to [redacted]. NCIC negative re both vehicles and plates.

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BP Service Station
Corner of Greene and
Harvey Streets
Philadelphia, Pa.

The printout sheets concerning toll calls made from the coin box telephone located at this BP service station have been pulled for the most recent cycle and will continue to be pulled on a regular basis. Bell Telephone Company sources advise that toll calls made from coin boxes charged to credit card numbers do not show up on the coin box toll printout and only show up on the bill of the holder of the credit card.

The toll call printout above reflects numerous toll calls at various times to a telephone in Easton, Pa., indicating a possible intra-state gambling operation and a possible tie-in with [redacted] above. Subscriber ident of called numbers are being obtained by separate communication.

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Toll calls charged to credit card [redacted] known to be pertinent to captioned investigation are being pulled and will be analyzed.

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[redacted] was observed to make a telephone call from the coin box at the BP station at approximately 3:25 p.m., on 5/4/72.

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[redacted]
Philadelphia, Pa.
Telephone #VI 9-4982

b6
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[redacted] resided with his wife and small child [redacted] across a narrow driveway from the [redacted] apartment at [redacted] until 4/24/72.

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On 4/21/72, [redacted] by Bureau Agents ascertained that he and his family were planning to move to a farm near Jasper, N.Y.

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On 4/27/72, [redacted] and his family were observed moving under cover of dark (10 p.m.). Several white males including [redacted] helped load their possessions into an apparently orange colored Chevrolet pickup truck bearing New York license C61-665.

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The New York State Department of Motor Vehicles at Albany, N.Y., advised that New York license C61-665 is registered to [redacted] born [redacted] whose residence is shown as [redacted] Jasper, N.Y., for a 1968 Chevrolet orange pickup.

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On 5/1/72, a confidential source advised that two white males identified as [redacted] both of [redacted] Philadelphia, Pa., purchased the entire building at [redacted] Street.

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On 5/2/72, these individuals were observed departing the area of [redacted] in a blue VW, Pa. license 808-50B, registered to [redacted] Philadelphia.

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~~SECRET~~

Greenberg/Gray-7046

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~~SECRET~~
Philadelphia indices negative re [redacted] and [redacted]

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[redacted]
[redacted] was observed back in Philadelphia 5/2 or 5/3/72 at which time it was ascertained he had returned to pick up his welfare check.

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ADMINISTRATIVE

Philadelphia has opened case files on contacts of [redacted] believed to have potential involvement in underground activities to facilitate coverage of the activities and the handling of information concerning these individuals.

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Investigation by Philadelphia is being, and will continue to be conducted to identify unknown contacts of [redacted] and others close to him believed to have potential involvement in underground activities.

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An agent has been making relatively frequent coverage of the BP Service Station at Greene and Harvey Streets where he is in a position to observe and log the identities of persons making calls as well as the times of the calls made over the coin box at that location, which appears to be a major communications link in the Philadelphia area. As it has been previously reported, the above persons and others of possible interest frequent this service station for gas, minor repairs, change, cigarettes, etc.

As mentioned above, toll calls have been requested by subpoena on the credit card assigned to [redacted] and discreet background is being conducted to further identify [redacted]. A confidential source at Bell Telephone Company has advised that [redacted] has disclaimed all calls on its 4/17 bill charged to [redacted] credit card. The telephone company is conducting its own discreet investigation and is cooperating with Philadelphia.

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Toll calls charged to other possibly pertinent telephone numbers will be sent into [redacted] as they are identified.

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PH 100-53469
176-180

~~CONFIDENTIAL~~

For the information of the Bureau, the semi-annual individual report on [redacted] is currently due. Submission of this report is being held in abeyance UACB in view of the sensitive, complex investigation re [redacted] which, as the Bureau is aware, is currently being intensified in view of his potential underground connections. It should be noted that little information is available for inclusion in a report suitable for dissemination concerning [redacted] as an individual, and Philadelphia is of the opinion that such a report at this time could conceivably hamper our investigation.

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UACB, Philadelphia will prepare a thumbnail summary of the [redacted] case to date which will be sent to East Coast and other logical offices where [redacted] case leads have been or are likely to be sent. The purpose of this sketch will be to assist these offices in their coverage of present and/or future leads and it will also make them aware of the nature of the investigation currently underway in Philadelphia, in the event that they independently receive information of potential value in this case.

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The Bell Telephone Company is interested in the fraud aspects of the illegal use of a credit card and is cooperating in a highly discreet, coordinated investigation through [redacted] a former Bureau agent.

ALL INDIVIDUALS INVOLVED IN NEW LEFT EXTREMIST ACTIVITY SHOULD BE CONSIDERED DANGEROUS BECAUSE OF THEIR KNOWN ADVOCACY AND USE OF EXPLOSIVES, REPORTED ACQUISITION OF FIREARMS AND INCENDIARY DEVICES, AND THEIR KNOWN PROPENSITY FOR VIOLENCE.

~~SECRET~~

Greenberg/Gray-7049

~~SECRET~~

I - Mr. J. A. Sizoo
I - Mr. R. L. Shackelford
I - Mr. T. J. McNiff
5/8/72
① - Mr. W. N. Preusse
I - Mr. H. Mallett

Mr. E. S. Miller

R. L. Shackelford

DO NOT FILE

WEATHERFUG

PURPOSE:

To advise status of our security investigations concerning the 26 Weatherman fugitives.

DETAILS:

Scope of the Weatherman Problem

Our investigation of the revolutionary Weatherman group centers on approximately 200 people throughout the country. Included in that number are the 26 Weatherman fugitives. Also included is a group of about 40 individuals, all non-fugitives, whose whereabouts are unknown and who are believed active in the Weatherman underground.

The Weatherman group went underground more than two years ago. Since that time, a few fugitives have been apprehended, however, the key Weatherman leaders remain at large. For the past six months, the Weatherman group has been quiescent in that it has issued no communiques to the press and has claimed no bombings since last Fall.

Information developed to date shows that Weatherman has concentrated its members and activity on the East and West Coasts since early 1970; however, it appears that they can travel almost anywhere with relative ease, particularly in and out of Canada. They undoubtedly exist within the so-called youth culture, which is drug-oriented and anti-law enforcement. They are supported by above-ground sympathizers, as well as by their own thefts and frauds.

Weatherman advocates use of marijuana and LSD, but oppose hard drugs, such as heroin and amphetamines. It is possible that some Weatherman activists have become drug addicted to the extent that they have dropped out of the revolution. Such a report has been received concerning Weatherman leader [REDACTED]; however, this has not been verified.

HM:crk
(6)

CONTINUED - OVER

~~SECRET~~

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Memorandum to Mr. E. S. Miller
RE: WEATHERFUG

Though they are a small group and are probably only loosely coordinated, it must be assumed that Weatherman will continue sporadic acts of extreme violence.

Question of Supervision of Weatherman Fugitive Cases

As you are aware, the 23 Weatherman fugitives' cases are supervised by Special Investigative Division (SID). The overall investigations of the Weatherman organization, including non-fugitive underground activists and the Weatherman support group, are supervised by the Domestic Intelligence Division (DID). It is believed that coordinated investigation could be best continued if the supervision of the Weatherman fugitive cases was also assumed by DID. Accordingly, it is recommended that the advisability of this change be discussed at our next Weatherfug conference with you.

Plans for Apprehension of Two Fugitives in Canada

Fugitives [redacted] have been located in Canada by a source of the Los Angeles Office. [redacted]
Within the past few days, this Los Angeles source [redacted] has advised that [he] is certain [redacted]

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(U)

The above plan is currently under consideration and is being handled by SID.

Fugitive [redacted] Reported Recently in Washington, D. C.

b6
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[redacted] a suspect in the CAPEON case, has informed a WFO source that [redacted] was in Washington, D.C., on [redacted] claims that the unknown individual who accompanied [redacted] was [redacted]. At the time of the visit, [redacted] introduced this person to [redacted]

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CONTINUED - OVER

Memorandum to Mr. E. S. Miller
RE: WEATHFUG

(U)

only as [] [Source] has checked available photographs of [] but because of facial hair on [] [Source] is unable to verify that [] is identical with [] [Source] advised that [] intended to stay in Washington, D.C., only a short time and was planning to visit friends somewhere in Virginia. (X)

b6
b7C

Investigation concerning this report is continuing, however, to date, no further pertinent information has been developed.

Possible Break Up of People's Law Office in Chicago

The small group of radical lawyers at People's Law Office (PLO) in Chicago has been a mainstay of Weatherman support since 1969. One lawyer there, [] is known to have furnished about \$700 to fugitive [] in March, 1971, and this office has been a key communications channel for Weatherman.

b6
b7C

Now, PLO appears on the verge of disintegration. [] has experienced a number of personal problems, including [] and the []. It appears he may be leaving Chicago and may concentrate his activities at Attica, New York, where he has been representing inmates at Attica Prison.

b6
b7C

Another PLO member, [] who is believed to have been at one time active in the Weatherman underground under a false identity, is contemplating a permanent move to the West Coast. He will probably take with him another PLO activist, [].

b6
b7C

Another PLO attorney, [] and his girlfriend [] may also be contemplating departure from the PLO operation.

b6
b7C

The effect of these contemplated changes is not yet known and this situation is being closely followed.

CONTINUED - OVER

Memorandum to Mr. E. S. Miller
RE: WEATHFUG

Miss "A"

~~Soviet intelligence Service (SIS)~~

Possibility of KGB Involvement with Weatherman

[redacted] in Philadelphia is of much interest in the Weatherman investigation since his address was used by Weatherfug [redacted] to obtain false identification. In addition, [redacted] has also used a car registered to a still unidentified individual at [redacted] address. An apparent associate of [redacted] named [redacted] has recently been connected with the residence in Rochester, New York, of [redacted] who has been a [redacted] Agent for the past 12 years. The significance of [redacted] association with [redacted] and with [redacted] has not been determined. (S)

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(U)

Our Buffalo Office has noted that [redacted] has several children, including a son [redacted] who was active in Students for a Democratic Society (SDS) in 1969. [redacted] has also been co-opted by [redacted] to act as a "spotter." It is the opinion of Buffalo [redacted] that the [redacted] involved with the Soviets would not also be involved with Weatherman. One [redacted] who has no known subversive background, may be the tie-in with [redacted]. This is based only on the fact that [redacted] has a "hippie-type" appearance and was at home at the time [redacted] car was seen at the [redacted] residence. (S) Miss "A"

b6
b7C

(U)

Investigation of this situation is being handled with great caution in view of the highly confidential [espionage]

(S)

Three Weeks Survey of United States Residents Who Apply for Landed Immigrant Status in Canada/Completed

This survey was conducted to determine whether a larger survey of these applicants was feasible in order to ascertain whether they are utilizing false identity and are of interest to our investigations. The three weeks survey determined that on the average, 73 applications for landed immigrant status from United States residents were received daily by the Bureau for name check purposes. The survey further shows that only an average number of 24 applications daily would be of interest to our investigations. This survey was handled in the Revolutionary Activities Section by [redacted] and appears feasible. A memorandum will be submitted in the near future recommending the implementation of this survey.

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b7C

~~SECRET~~

~~7053~~

Memorandum to Mr. E. S. Miller
RE: WEATHERFUG

Technical Coverage

At present, we have both telephone surveillance (tesur) and microphone surveillance (micro) coverage of [redacted]. We also have tesur

(U) coverage of Weatherman activist [redacted]

[redacted] are in New York. (X)

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b7C

At the present time, our most promising target for additional technical coverage continues to be [redacted] in Cambridge, Massachusetts. She is [redacted] who supports a number of extremist causes. She closely associates with both black and white extremists. Suspected Weatherman activists reside with her, who are believed to have information on whereabouts of Top Ten fugitives [redacted]. Investigation of [redacted] continues and recommendation for technical coverage will be made at the appropriate time. (X)

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b7C

ACTION:

For information.

Greenberg/Gray-7053

~~SECRET~~

CLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 05-11-2009

~~SECRET~~

Mr. E. S. Miller

R. L. Shackelford

- 1 - Mr. J. A. Sizoo
 - 1 - Mr. R. L. Shackelford
 - 1 - Mr. T. J. McNiff
 - 1 - Mr. W. N. Preusse
 - 1 - Mr. H. Mallet
- 5/3/72

WEATHERFUG

DO NOT FILE

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The Weatherman group went underground more than two years ago. Since that time, a few fugitives have been apprehended, however, the key Weatherman leaders remain at large. For the past six months, the Weatherman group has been quiescent in that it has issued no communiques to the press and has claimed no bombings since last Fall.

Information developed to date shows that Weatherman concentrated its members and activity on the East and West Coasts since early 1970; however, it appears that they can travel almost anywhere with relative ease, particularly in and out of Canada. They undoubtedly exist within the so-called youth cult which is drug-oriented and anti-law enforcement. They are supported by above-ground sympathizers, as well as by their own thefts and frauds.

Weatherman advocates use of marijuana and LSD, but oppose hard drugs, such as heroin and amphetamines. It is possible that some Weatherman activists have become drug addicts to the extent that they have dropped out of the revolution. Such a report has been received concerning Weatherman leader [redacted] however, this has not been verified.

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b7C

HM:erk

(6)

1-15-80
CLASS. & EXT. BY 5/18/72 P.M.
REASON-FCIM 11, 1-2-4.2 -12
DATE OF REVIEW 5/6/72

CONTINUED - OVER

~~SECRET~~

FINAL COMPLS. IT

Memorandum to Mr. E. S. Miller
RE: WEATHERFUG

~~SECRET~~

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Plans for Apprehension of Two Fugitives in Canada

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b7D

Fugitives [redacted] have been located in Canada by a source of the Los Angeles Office. Canadian authorities have advised that these two fugitives are not extraditable and have no plans to deport them. Within past few days, this Los Angeles source [redacted] has advised that he is certain [redacted]

(U)

The above plan is currently under consideration and is being handled by SID.

Fugitive [redacted] reported recently in Washington, D. C.

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b6
b7C
b7D

[redacted], a suspect in the CAPTION case, has informed a FBI source that [redacted] was in Washington on [redacted] claims that the unknown individual who accompanied [redacted] was [redacted]. At the time of the visit, [redacted] introduced this person to [redacted]

CONTINUED - OVER

~~CONFIDENTIAL~~
~~SECRET~~

Memorandum to Mr. F. S. Miller
RE: WEATHFUG

~~SECRET~~

only as [] (Source) has checked available photographs of [] but because of facial hair on [] (Source) is unable to verify that [] is identical with [] (Source) advised that [] intended to stay in Washington, D.C., only a short time and was planning to visit friends somewhere in Virginia.

(U) Investigation concerning this report is continuing, however, to date, no further pertinent information has been developed.

Possible Break Up of People's Law Office in Chicago

The small group of radical lawyers at People's Law Office (PLO) in Chicago has been a mainstay of Weatherman support since 1969. One lawyer there, [], is known to have furnished about \$700 to fugitive [] in March, 1971, and this office has been a key communications channel for Weatherman. (X)

Now, PLO appears on the verge of disintegration. [] has experienced a number of personal problems, including [] and the []. It appears he may be leaving Chicago and may concentrate his activities at Attica, New York, where he has been representing inmates at Attica Prison. (X)

(U) Another PLO member, [] who is believed to have been at one time active in the Weatherman underground under a false identity, is contemplating a permanent move to the West Coast. He will probably take with him another PLO activist []. (X)

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b7C

(U) Another PLO attorney, [] and his girlfriend [] may also be contemplating departure from the PLO operation. (X)

b6
b7C

The effect of these contemplated changes is not yet known and this situation is being closely followed.

CONTINUED - OVER

~~SECRET~~

Memorandum to Mr. E. S. Miller

RF: WEATHERFUG

SOVIET INTELLIGENCE

SERVICE (SIS)

~~SECRET~~

Ms. "A"

(U) Possibility of KGB Involvement with Weatherman

[redacted] in Philadelphia is of much interest in the Weatherman investigation since his address was used by Weatherfug [redacted] to obtain false identification. In addition, [redacted] has also used a car registered to a still unidentified individual at [redacted] address. An apparent associate of [redacted] named [redacted] has recently been connected with the residence in Rochester, New York, of [redacted] who has been a co-opted KGB Agent for the past 12 years. The significance of [redacted] association with [redacted] and with [redacted] has not been determined. (S)

Ms. "A"

SIS

Our Buffalo Office has noted that [redacted] has several children, including a son [redacted] who was active in Students for a Democratic Society (SDS) in 1969. [redacted] has also been co-opted (S OPERATE) by the KGB to act as a "spotter." It is the opinion of Buffalo that the [redacted] involved with the Soviets would not also be involved with Weatherman. One [redacted] who has no known subversive background, may be the tie-in with [redacted]. This is based only on the fact that [redacted] has a "hippie-type" appearance and was at home at the time [redacted] car was seen at the [redacted] residence. (S)

✓ MR. B

Investigation of this situation is being handled with great caution in view of the highly confidential espionage sources involved. (S)

(U) Three Weeks Survey of United States Residents Who Apply for Landed Immigrant Status in Canada Completed

This survey was conducted to determine whether a larger survey of these applicants was feasible in order to ascertain whether they are utilizing false identity and are of interest to our investigations. The three weeks survey determined that on the average, 73 applications for landed immigrant status from United States residents were received daily by the Bureau for name check purposes. The survey further shows that only an average number of 23 applications daily would be of interest to our investigations. This survey was handled in the Revolutionary Activities Section by [redacted] and a larger survey appears feasible. A memorandum will be submitted in the near future recommending the implementation of this survey. (S)

CONTINUED - OVER

~~SECRET~~

~~SECRET~~

Memorandum to Mr. E. S. Miller
RF: WTATTFUG

~~CONFIDENTIAL~~

b6
b7C

Technical Coverage

At present, we have both telephone surveillance (tesu) and microphone surveillance (misur) coverage of [redacted]. We also have misur coverage of Weatherman activist [redacted] and [redacted] are in New York. (c)(l)

At the present time, our most promising target for additional technical coverage continues to be [redacted] in Cambridge, Massachusetts. She is [redacted] who supports a number of extremist causes. She closely associates with both black and white extremists. Suspected Weatherman activists reside with her, who are believed to have information on whereabouts of Top Ten fugitives [redacted]. Investigation of [redacted] continues and recommendation for technical coverage will be made at the appropriate time.

(U)

(e)
b6
b7C

ACTION:

For information.

Greenberg/Gray-7058

~~CONFIDENTIAL~~

~~SECRET~~

~~SECRET~~

DECLASSIFICATION AUTHORITY DERIVED FROM:
 FBI AUTOMATIC DECLASSIFICATION GUIDE
 DATE 06-11-2003

FBI

Date: 5/5/72

Transmit the following in APPROPRIATE AGENCIES.

Via AIRTEL

AND FIELD OFFICES *(Type in plaintext or code)*

ADVISED BY ROUTING

SLIP(S) BY *POL*DATE 7-19-79 (Priority)
~~TOP SECRET~~
~~SECRET~~
~~CONFIDENTIAL~~

TO: ACTING DIRECTOR, FBI

DO NOT

FROM: SAC, PHILADELPHIA

DISSEMINATE

SUBJECT:

aka per 62-117964-9

SM - REVOLUTIONARY ACTIVITIES (EXTREMIST)

(OO: PH)

Bufile 100-466098

b6

PH 100-53469

b7C

WEATHFUG

(OO: CG)

Bufile 176-1594

CLASSIFIED BY 1482 DM/AB 3/31/78

PH 176-180

EXEMPT FROM GRS CATEGORY 23

DATE OF DECLASSIFICATION INDEFINITE

para marked C.O. review: 21

(U)

Re Bureau letter to Philadelphia 4/7/72, and
Philadelphia airtel to Director, 4/20/72 under the b6
b7C

As the Bureau and Chicago are aware, Philadelphia has instituted intensified investigation of and his contacts based on the fact that is a possible link in the WEATHFUG underground network, and referenced Bureau letter directed that Philadelphia submit a bi-weekly summary airtel of activities.

b6
b7C

REC-110 100-466098-28

Investigation by Philadelphia continues to be centered around three locations on West Harvey Street in the Germantown section of Philadelphia: 1)
 2) , and 3) a BP Gas Station located at the corner of Greene and Harvey Streets. (u)

b6
b7C

- ② Bureau (RM)
 1 - Chicago (Info.) (RM) CF/gdw
 2 - Philadelphia (1 - 100-53469)
 (1 - 176-180)
- MPS/lss
 (5)

12 MAY 10 1972

~~Downgraded~~
~~to Secret~~
~~3-6-2001~~
~~urbaw60344~~
Approved: 54 MAY 23 1972

Special Agent in Charge

~~SECRET~~~~TOP SECRET CONFIDENTIAL~~

PH 100-53469
176-180~~TOP SECRET~~b6
b7C

Philadelphia, Pa.

~~SECRET~~

(x)(u)

Apartment b6
b7C

ship with [redacted] continues to reside in common-law relation-
telephone #VI 8-1631. [redacted] in the second floor rear apartment, (U)

b6
b7C

On 4/24/72, a Volkswagen bearing Ohio license
817-7NM, driven by a young white female, was observed at
the premises and the female driver entered the [redacted]
apartment leaving shortly thereafter with [redacted] (ex)(c)

b6
b7C

The records of the Bureau of Motor Vehicles,
Columbus, Ohio, reflect that the above Ohio license is
registered to [redacted] Englewood,
Ohio, Montgomery County. Cincinnati and Philadelphia indices (ex)(c)

MS "A"

Toward the end of the last week of April, a con-
fidential source advised that a small package appearing to
be several items of mail arrived at the [redacted] apartment
address addressed to [redacted]. The return address re-
flected it was from [redacted] (U) (ex)(c)

b6
b7C

Apartment

Ms "B"

b6
b7C

telephone [redacted] pays the rent and subscribes to
at [redacted] telephone [redacted] at the second floor front apartment (U)

b6
b7C

[redacted] has not been positively identified as having ever appeared at the apartment, and was not known to have any connection with captioned investiga- (U)

(ex)

Ms "B"

Rochester, b6
b7C

Toll records pulled on [redacted] telephone number
reflect a call to the residence of [redacted] (U)

N. Y.

~~SECRET~~

~~TOP SECRET~~
~~SECRET~~PH 100-53469
176-180

SOVIET INTELLIGENCE SERVICE (SIS)

(U) (S) [redacted] is known to Rochester and the Bureau as a known KGB agent for the past 12 years. (S)(X) b6 b7C

(U) (S) both [redacted] and his wife are former CP members. [redacted] is [redacted] engaged in the manufacture of [redacted]. His wife, [redacted], is employed as [redacted] University of Rochester. Both usually travel to New York City to meet with Soviet principals. (S)(X)

(U) (S) student at State University of New York, traveled to Moscow as a guest of KGB, and is currently operated by KGB as a "spotter." (S)(X) b6 b7C

MR-3 [redacted] born [redacted] attended the University of Rochester two years and currently works for his father. He has no known subversive activities; however, his dress and appearance are of "hippie type" and Buffalo advised it is possible he could be mistaken as female. (S)(X) SIS b6 b7C

(U) [redacted] born [redacted] has been studying in [redacted] for the past two years under program of [redacted] organization. She has no known participation in subversive activities. (S)(X) b6 b7C

(U) [redacted] born [redacted] resides with [redacted] parents and is currently a high school student with no record of subversive affiliations. (S)(X) b6 b7C

(U) [redacted] Buffalo advised it is their opinion that the only member of the [redacted] family who could logically have any current Weatherman connections would be [redacted] who was at home when the Opal sedan registered to [redacted] appeared at the [redacted] residence (as previously reported). (S)(X) SIS b6 b7C

(U) (S) Information re above KGB activity received from [redacted] a highly confidential source, and extreme caution must be exercised handling any information attributed to this source. (S)(X) b2 b7D

~~TOP SECRET~~
~~CONFIDENTIAL~~

~~TOP SECRET~~PH 100-53469
176-180

(U) Buffalo further advised that toll checks on [redacted] reflect no calls directed to numbers in the Philadelphia area. (ex)

b6
b7C

On 4/24/72, it was learned from a confidential source that the person known as [redacted] pays the monthly rent for the second floor front apartment by money order from the Girard Bank, Schoolhouse Lane Branch, Philadelphia, Pa. The money orders are signed [redacted]

[redacted] Abington, Pa. The source indicated he felt it strange that [redacted] would rent the apartment in [redacted] yet use the [redacted] address on her money orders which is where she apparently lives and which is close to her place of employment at [redacted]

b6
b7C

(U) residence and employment are some distance from the [redacted] apartment. (ex) (as)

Physical observation by Bureau Agents observed that [redacted] resided at and received mail at the [redacted] apartment until approximately 5/2 or 5/3/72. (u) (ex) b6
b7C

(U) She has not been seen at the premises since, though her name remains on the mailbox.

[redacted]
Philadelphia, Pa. (u) b6
b7C

On 4/19/72, discreet surveillance by Bureau agents ascertained that on that date, [redacted] who resides at [redacted] had just arrived at that address from an unknown origin and again took up residence at [redacted]. (ex)

b6
b7C

[redacted] is a garage type apartment located in a well screened, secluded back yard. Motor vehicles which have in the past been associated with [redacted] were not observed in the area. (ex)

b6
b7C

[redacted] were not observed at this address subsequent to 4/19/72 until 4/27/72 at which time [redacted] was observed at [redacted] Street (see section on [redacted]). (ex)

b6
b7C~~CONFIDENTIAL~~
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PH 100-53469
176-180

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On 4/26/72, surveillance in the vicinity of [redacted] revealed a blue or black Chevrolet, Pa. license #08676D, and a cream colored Cadillac Pa. license #15427Y, parked in the yard at the [redacted] address. (u)

b6
b7C

The Pennsylvania BMV, Harrisburg, Pa., reflected Pa. license 08676D is registered to a [redacted] Philadelphia, Pa., for a 1971 Ford coupe. (u)

b6
b7C

(U) Philadelphia indices reflect a 165-1147 master file on [redacted] (X)

b6
b7C

Pennsylvania BMV records reflect Pa. license 15427Y is registered to [redacted] Street, Philadelphia, for a 1967 or 1968 Cadillac sedan. (e)(u)

b6
b7C

Philadelphia indices reflect a reference only to [redacted]. NCIC negative re both vehicles and plates. (e)(u)

b6
b7C

BP Service Station
Corner of Greene and
Harvey Streets
Philadelphia, Pa.

(e)(u)

The printout sheets concerning toll calls made from the coin box telephone located at this BP service station have been pulled for the most recent cycle and will continue to be pulled on a regular basis. Bell Telephone Company sources advise that toll calls made from coin boxes charged to credit card numbers do not show up on the coin box toll printout and only show up on the bill of the holder of the credit card. (X)

The toll call printout above reflects numerous toll calls at various times to a telephone in Easton, Pa., indicating a possible intra-state gambling operation and a possible tie-in with [redacted] above. Subscriber ident of called numbers are being obtained by separate communication. (X)

b6
b7C

~~TOP SECRET~~
~~SECRET~~

PH 100-53469
176-180

~~TOP SECRET~~

~~SECRET~~

(U) Toll calls charged to credit card [redacted] known to be pertinent to captioned investigation are being pulled and will be analyzed. ~~(u)~~

[redacted] was observed to make a telephone call from the coin box at the BP station at approximately 3:25 p.m., on 5/4/72. ~~(u)~~ b6 b7C

[redacted]
Philadelphia, Pa.
Telephone #VI 9-4982 ~~(u)~~ b6 b7C

[redacted] resided with his wife and small child across a narrow driveway from the [redacted] apartment at [redacted] until 4/24/72. ~~(u)~~ b6 b7C

On 4/21/72, pretext conversation with [redacted] by Bureau Agents ascertained that he and his family were planning to move to a farm near Jasper, N.Y. ~~(u)~~ b6 b7C

On 4/27/72, [redacted] and his family were observed moving under cover of dark (10 p.m.). Several white males including [redacted] helped load their possessions into an apparently orange colored Chevrolet pickup truck bearing New York license C61-665. ~~(u)~~ b6 b7C

The New York State Department of Motor Vehicles at Albany, N.Y. advised that New York license C61-665 is registered to [redacted] born [redacted] whose residence is shown as [redacted] Jasper, N.Y., for a 1968 Chevrolet orange pickup. ~~(u)~~ b6 b7C

On 5/1/72, a confidential source advised that two white males identified as [redacted] both of [redacted] Philadelphia, Pa., purchased the entire building at [redacted] Street. ~~(u)~~ b6 b7C

On 5/2/72, these individuals were observed departing the area of [redacted] in a blue VW, Pa. license 808-50B, registered to [redacted] Philadelphia. ~~(u)~~ b6 b7C

~~TOP SECRET~~

PH 100-53469
176-180

~~TOP SECRET~~

~~SECRET~~

Philadelphia indices negative re [redacted]

(U)(u)

b6
b7C

[redacted] was observed back in Philadelphia 5/2 or 5/3/72 at which time it was ascertained he had returned to pick up his welfare check. (U)(u)

b6
b7C

ADMINISTRATIVE

Philadelphia has opened case files on contacts of [redacted] believed to have potential involvement in underground activities to facilitate coverage of the activities and the handling of information concerning these individuals. (U)(u)

b6
b7C

Investigation by Philadelphia is being, and will continue to be conducted to identify unknown contacts of [redacted] and others close to him believed to have potential involvement in underground activities. (U)(u)

b6
b7C

An agent has been making relatively frequent coverage of the BP Service Station at Greene and Harvey Streets where he is in a position to observe and log the identities of persons making calls as well as the times of the calls made over the coin box at that location, which appears to be a major communications link in the Philadelphia area. As it has been previously reported, the above persons and others of possible interest frequent this service station for gas, minor repairs, change, cigarettes, etc. (U)(u)

As mentioned above, toll calls have been requested by subpoena on the credit card assigned to [redacted] and discreet background is being conducted to further identify [redacted]. A confidential source at [redacted] Telephone Company has advised that [redacted] has disclaimed all calls on its 4/17 bill charged to [redacted] credit card. The telephone company is conducting its own discreet investigation and is cooperating with Philadelphia. (U)(u)

b6
b7C
b7D

Toll calls charged to other possibly pertinent telephone numbers will be sent into [redacted] as they are identified. (U)(u)

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b7E

~~SECRET~~
~~CONFIDENTIAL~~
~~TOP SECRET~~

PH 100-53469
176-180~~TOP SECRET~~

For the information of the Bureau, the semi-annual individual report on [redacted] is currently due. Submission of this report is being held in abeyance UACB in view of the sensitive, complex investigation re [redacted] which, as the Bureau is aware, is currently being intensified in view of his potential underground connections. It should be noted that little information is available for inclusion in a report suitable for dissemination concerning [redacted] as an individual, and Philadelphia is of the opinion that such a report at this time could conceivably hamper our investigation.

b6
b7C

UACB Philadelphia will prepare a thumbnail summary of the [redacted] case to date which will be sent to East Coast and other logical offices where [redacted] case leads have been or are likely to be sent. The purpose of this sketch will be to assist these offices in their coverage of present and/or future leads and it will also make them aware of the nature of the investigation currently underway in Philadelphia, in the event that they independently receive information of potential value in this case.

b6
b7C

The Bell Telephone Company is interested in the fraud aspects of the illegal use of a credit card and is cooperating in a highly discreet, coordinated investigation through (a former Bureau agent.)

ALL INDIVIDUALS INVOLVED IN NEW LEFT EXTREMIST ACTIVITY SHOULD BE CONSIDERED DANGEROUS BECAUSE OF THEIR KNOWN ADVOCACY AND USE OF EXPLOSIVES, REPORTED ACQUISITION OF FIREARMS AND INCENDIARY DEVICES, AND THEIR KNOWN PROPENSITY FOR VIOLENCE.

~~CONFIDENTIAL~~
~~SECRET~~
~~INITIAL~~~~TOP SECRET~~

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 05-11-2009

5/5/72

AIRTEL

TO: ACTING DIRECTOR, FBI
FROM: SAC, PHILADELPHIA
SUBJECT: [REDACTED]

~~SECRET~~

SM - REVOLUTIONARY ACTIVITIES (EXTREMIST) b6
(OO: PH) b7C
Bufile 100-466098
PH 100-53469

WEATHFUG
(OO: CG)
Bufile 176-1594
PH 176-180

Re Bureau letter to Philadelphia 4/7/72, and
Philadelphia airtel to Director, 4/20/72 under the [REDACTED]

b6
b7C

As the Bureau and Chicago are aware, Philadelphia has instituted intensified investigation of [REDACTED] and his contacts based on the fact that [REDACTED] is a possible link in the WEATHFUG underground network, and referenced Bureau letter directed that Philadelphia submit a bi-weekly summary airtel of activities.

b6
b7C

Investigation by Philadelphia continues to be centered around three locations on West Harvey Street in the Germantown section of Philadelphia: 1) [REDACTED]
[REDACTED] 2) [REDACTED] and 3) a BP Gas Station located at the corner of Greene and Harvey Streets.

b6
b7C

2 - Bureau (RM)
1 - Chicago (Info.) (RM)
2 - Philadelphia (1 - 100-53469)
(1 - 176-180)

MPS/lss
(5)~~SECRET~~

100-53469-pub-C-3

Searched _____
Serialized _____
Indexed _____
Filed _____

205 Proposal

PH 100-53469
176-180

~~SECRET~~

[redacted]
Philadelphia, Pa.

[redacted] Apartment

[redacted] continues to reside in common-law relationship with [redacted] in the second floor rear apartment, telephone #VI 8-1631.

b6
b7C

On 4/24/72, a Volkswagen bearing Ohio license 817-7NM, driven by a young white female, was observed at the premises and the female driver entered the [redacted] apartment leaving shortly thereafter with [redacted]

b6
b7C

The records of the Bureau of Motor Vehicles, Columbus, Ohio, reflect that the above Ohio license is registered to [redacted] Englewood, Ohio, Montgomery County. Cincinnati and Philadelphia indices negative re [redacted]

b6
b7C

Toward the end of the last week of April, a confidential source advised that a small package appearing to be several items of mail, arrived at the [redacted] apartment address addressed to [redacted]. The return address reflected it was from [redacted]

b6
b7C
Vt.

[redacted] Apartment

[redacted] pays the rent and subscribes to telephone #VI 3-0678, at the second floor front apartment at 242 West Harvey Street. [redacted] has not been positively identified as having ever appeared at the apartment, and was not known to have any connection with captioned investigation until April 1972.

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b7C

Toll records pulled on [redacted] telephone number

b6
b7C

[redacted] reflect a call to the residence of [redacted]
N. Y.

- 2 -

~~SECRET~~
Greenberg/Gray-7070

PH 100-53469
176-180~~SECRET~~

[redacted] is known to [redacted] and the Bureau as a known [redacted] agent [for the past 12 years].
Soviet Intelligence Service (SIS)

The [redacted] Division has further advised that both [redacted] and his wife are former CP members. [redacted] engaged in [redacted]. His wife, [redacted] is [redacted]

[redacted] usually travels to [New York City] to meet with Soviet principals.

[redacted] born [redacted] is a graduate student at State University of New York, traveled to Moscow as a guest of KGB and is currently operated by [redacted] as a "spotter." SIS Soviet intelligence

Mr "B" → [redacted] born [redacted] attended the University of [redacted] years and currently works for his father. He has no known subversive activities; however, his dress and appearance are of "hippie type" and Buffalo advised it is possible he could be mistaken as female.

[redacted] born [redacted] has been studying in [redacted] for the past two years under program of [redacted] organization. She has no known participation in subversive activities.

[redacted] born [redacted] resides with parents and is currently a high school student with no record of subversive affiliations.

[redacted] advised it is their opinion that the only member of the [redacted] family who could logically have any current Weatherman connections would be [redacted] who was at home when the [redacted] sedan registered to [redacted] appeared at the [redacted] residence (as previously reported). Mr "B"

Soviet intelligence SIS
Information re above [redacted] activity received from [redacted] a highly confidential source, and extreme caution must be exercised handling any information attributed to this source.

- 3 - ~~SECRET~~

b6
b7C

~~SECRET~~PH 100-53469
176-180

[Buffalo] further advised that toll checks on [redacted] reflect no calls directed to numbers in the Philadelphia area.

On 4/24/72, it was learned from a confidential source that the person known as [redacted] pays the monthly rent for the second floor front apartment by money order from the Girard Bank, Schoolhouse Lane Branch, Philadelphia, Pa. The money orders are signed [redacted]

[redacted] Abington, Pa. The source indicated he felt it strange that [redacted] would rent the apartment in [redacted] yet use the [redacted] address on her money orders which is where she apparently lives and which is close to her place of employment at [redacted] in Jenkintown, Pa. Both her residence and employment are some distance from the [redacted] apartment.

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b7C

Physical observation by Bureau Agents observed that [redacted] resided at and received mail at the [redacted] apartment until approximately 5/2 or 5/3/72. She has not been seen at the premises since, though her name remains on the mailbox.

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b7C

[redacted]
Philadelphia, Pa.

On 4/19/72, discreet surveillance by Bureau agents ascertained that on that date [redacted]

[redacted] who resides at [redacted] had just arrived at that address from an unknown origin and again took up residence at [redacted]

b6
b7C

[redacted] is a garage type apartment located in a well screened, secluded back yard. Motor vehicles which have in the past been associated with [redacted] were not observed in the area.

b6
b7C

[redacted] were not observed at this address subsequent to 4/19/72 until 4/27/72 at which time [redacted] was observed at [redacted] Street (see section on [redacted]).

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b7C~~SECRET~~

~~SECRET~~

PH 100-53459
176-180

On 4/26/72, surveillance in the vicinity of [redacted] revealed a blue or black Chevrolet, Pa. license #08676D, and a cream colored Cadillac, Pa. license #15427Y, parked in the yard at the [redacted] address.

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b7C

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b6
b7C

Philadelphia indices reflect a 165-1147 master file on [redacted]

b6
b7C

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b6
b7C

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b6
b7C

BP Service Station
Corner of Greene and
Harvey Streets
Philadelphia, Pa.

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The toll call printout above reflects numerous toll calls at various times to a telephone in Easton, Pa., indicating a possible intra-state gambling operation and a possible tie-in with [redacted] above. Subscriber ident of called numbers are being obtained by separate communication.

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b7C

PH 100-53469
176-180

~~SECRET~~

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b6
b7C

Philadelphia, Pa.
Telephone #VI 9-4982

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b7C

On 4/21/72, [redacted] by Bureau Agents ascertained that he and his family were planning to move to a farm near Jasper, N.Y.

b6
b7C

On 4/27/72, [redacted] and his family were observed moving under cover of dark (10 p.m.). Several white males including [redacted] helped load their possessions into an apparently orange colored Chevrolet pickup truck bearing New York license C61-665.

b6
b7C

The New York State Department of Motor Vehicles at Albany, N.Y., advised that New York license C61-665 is registered to [redacted] born [redacted] whose residence is shown as [redacted] Jasper, N.Y., for a 1968 Chevrolet orange pickup.

b6
b7C

On 5/1/72, a confidential source advised that two white males identified as [redacted] both of [redacted] Philadelphia, Pa., purchased the entire building at [redacted] Street.

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b7C

On 5/2/72, these individuals were observed departing the area of [redacted] in a blue VW, Pa. license 808-50B, registered to [redacted] Philadelphia.

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b7C

~~SECRET~~

Greenberg/Gray-7074

PH 100-53469
176-180

X

[redacted] Philadelphia indices negative re [redacted] and [redacted]

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b7C

[redacted] was observed back in Philadelphia 5/2 or 5/3/72 at which time it was ascertained he had returned to pick up his welfare check.

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b7C

ADMINISTRATIVE

Philadelphia has opened case files on contacts of [redacted] believed to have potential involvement in underground activities to facilitate coverage of the activities and the handling of information concerning these individuals.

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b7C

Investigation by Philadelphia is being, and will continue to be conducted to identify unknown contacts of [redacted] and others close to him believed to have potential involvement in underground activities.

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b7C

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As mentioned above, toll calls have been requested by subpoena on the credit card assigned to [redacted] and discreet background is being conducted to further identify [redacted]. A confidential source at Bell Telephone Company has advised that [redacted] has disclaimed all calls on its 4/17 bill charged to [redacted] credit card. The telephone company is conducting its own discreet investigation and is cooperating with Philadelphia.

b7D
b6
b7C

Toll calls charged to other possibly pertinent telephone numbers will be sent into [redacted] as they are identified.

b2
b7E

~~SECRET~~

PH 100-53469
176-180

~~CONFIDENTIAL~~

For the information of the Bureau, the semi-annual individual report on [redacted] is currently due. Submission of this report is being held in abeyance UACB in view of the sensitive, complex investigation re [redacted] which, as the Bureau is aware, is currently being intensified in view of his potential underground connections. It should be noted that little information is available for inclusion in a report suitable for dissemination concerning [redacted] as an individual, and Philadelphia is of the opinion that such a report at this time could conceivably hamper our investigation.

b6
b7C

UACB, Philadelphia will prepare a thumbnail summary of the [redacted] case to date which will be sent to East Coast and other logical offices where [redacted] case leads have been or are likely to be sent. The purpose of this sketch will be to assist these offices in their coverage of present and/or future leads and it will also make them aware of the nature of the investigation currently underway in Philadelphia, in the event that they independently receive information of potential value in this case.

b6
b7C

The Bell Telephone Company is interested in the fraud aspects of the illegal use of a credit card and is cooperating in a highly discreet, coordinated investigation through [redacted] a former Bureau agent.

ALL INDIVIDUALS INVOLVED IN NEW LEFT EXTREMIST ACTIVITY SHOULD BE CONSIDERED DANGEROUS BECAUSE OF THEIR KNOWN ADVOCACY AND USE OF EXPLOSIVES, REPORTED ACQUISITION OF FIREARMS AND INCENDIARY DEVICES, AND THEIR KNOWN PROPENSITY FOR VIOLENCE.

~~SECRET~~

~~SECRET~~

1 - Mr. J. A. Sizoo
 1 - Mr. R. L. Shackelford
 1 - Mr. T. J. McNiff
 1 - Mr. W. N. Preusse
 1 - Mr. H. Mallet

5/8/72

Mr. E. S. Miller

R. L. Shackelford

WEATHERFUG

DO NOT FILE

Greenberg/Gray-7077

PURPOSE:

To advise status of our security investigations concerning the 26 Weatherman fugitives.

DETAILS:Scope of the Weatherman Problem

Our investigation of the revolutionary Weatherman group centers on approximately 200 people throughout the country. Included in that number are the 26 Weatherman fugitives. Also included is a group of about 40 individuals, all non-fugitives, whose whereabouts are unknown and who are believed active in the Weatherman underground.

The Weatherman group went underground more than two years ago. Since that time, a few fugitives have been apprehended, however, the key Weatherman leaders remain at large. For the past six months, the Weatherman group has been quiescent in that it has issued no communiques to the press and has claimed no bombings since last Fall.

Information developed to date shows that Weatherman has concentrated its members and activity on the East and West Coasts since early 1970; however, it appears that they can travel almost anywhere with relative ease, particularly in and out of Canada. They undoubtedly exist within the so-called youth culture, which is drug-oriented and anti-law enforcement. They are supported by above-ground sympathizers, as well as by their own thefts and frauds.

Weatherman advocates use of marijuana and LSD, but oppose hard drugs, such as heroin and amphetamines. It is possible that some Weatherman activists have become drug addicted to the extent that they have dropped out of the revolution. Such a report has been received concerning Weatherman leader [redacted]; however, this has not been verified.

b6
b7CH.A:crk
(6)Dov Propono
~~SECRET~~

CONTINUED - OVER

Memorandum to Mr. E. S. Miller
RE: WEATHERFUG

Though they are a small group and are probably only loosely coordinated, it must be assumed that Weatherman will continue sporadic acts of extreme violence.

Question of Supervision of Weatherman Fugitive Cases

As you are aware, the 26 Weatherman fugitives' cases are supervised by Special Investigative Division (SID). The overall investigations of the Weatherman organization, including non-fugitive underground activists and the Weatherman support group, are supervised by the Domestic Intelligence Division (DID). It is believed that coordinated investigation could be best continued if the supervision of the Weatherman fugitive cases was also assumed by DID. Accordingly, it is recommended that the advisability of this change be discussed at our next Weatherfug conference with you.

Plans for Apprehension of Two Fugitives in Canada

Fugitives [redacted] have been located in Canada (by a source of the Los Angeles Office) [redacted]. Within the past few days, this Los Angeles source, [redacted] has advised that he is certain [redacted]. [This source, who is working] in this endeavor, wants [redacted]

(U)

b2
b6
b7C
b7D

The above plan is currently under consideration and is being handled by SID.

Fugitive [redacted] Reported Recently in Washington, D. C.

[redacted] a suspect in the CARBON case, has informed (a WFO source) that [redacted] was in Washington, D.C., on [redacted] now claims that the unknown individual who accompanied [redacted] was [redacted]. At the time of the visit, [redacted] introduced this person (to) [redacted]

b6
b7C
b7D

CONTINUED - OVER

Memorandum to Mr. E. S. Miller
RE: WEATHERFUG

(U) only as [] Source has checked available photographs of [] but because of facial hair on [] Source is unable to verify that [] is identical with []. Source advised that [] intended to stay in Washington, D.C., only a short time and was planning to visit friends somewhere in Virginia.

b6
b7C

Investigation concerning this report is continuing, however, to date, no further pertinent information has been developed.

Possible Break Up of People's Law Office in Chicago

The small group of radical lawyers at People's Law Office (PLO) in Chicago has been a mainstay of Weatherman support since 1969. One lawyer there, [], is known to have furnished about \$700 to fugitive [] in March, 1971, and this office has been a key communications channel for Weatherman.

b6
b7C

Now, PLO appears on the verge of disintegration. [] has experienced a number of personal problems, including [] and the []. It appears he may be leaving Chicago and may concentrate his activities at Attica, New York, where he has been representing inmates at Attica Prison.

b6
b7C

Another PLO member, [] who is believed to have been at one time active in the Weatherman underground under a false identity, is contemplating a permanent move to the West Coast. He will probably take with him another PLO activist, Susan Jordan.

b6
b7C

Another PLO attorney, [] and his girlfriend [] may also be contemplating departure from the PLO operation.

b6
b7C

The effect of these contemplated changes is not yet known and this situation is being closely followed.

CONTINUED - OVER

Memorandum to Mr. E. S. Miller
RE: WEATHFUG

Miss "A"

~~Soviet Intelligence Service (SIS)~~

Possibility of AGD Involvement with Weatherman

[redacted] in Philadelphia is of much interest in the Weatherman investigation since his address was used by Weathfug [redacted] to obtain false identification. In addition, [redacted] has also used a car registered to a still unidentified individual at [redacted] address. An apparent associate of [redacted] named [redacted] has recently been connected with the residence in Rochester, New York, of [redacted] who has been a [redacted] Agent for the past 12 years. The significance of [redacted] association with [redacted] and with [redacted] has not been determined. (S) *Mr. M.*

b6
b7C

(U)

Our Buffalo Office has noted that [redacted] has [several] children, including a son [redacted] who was active in Students for a Democratic Society (SDS) in 1969. [redacted] has also been co-opted by the KGB to act as a "spotter." It is the opinion of Buffalo [redacted] that the [redacted] involved with the Soviets would not also be involved with Weatherman. One [redacted] who has no known subversive background, may be the tie-in with [redacted]. This is based only on the fact that [redacted] has a "hippie-type" appearance and was at home at the time [redacted] car was seen at the [redacted] residence. (S) *Mr. B.* Miss "A"

b6
b7C

(U)

Investigation of this situation is being handled with great caution in view of the highly confidential [espionage] sources involved. (S)

Miss "A"

Three Weeks Survey of United States Residents Who Apply for Landed Immigrant Status in Canada/Completed

This survey was conducted to determine whether a larger survey of these applicants was feasible in order to ascertain whether they are utilizing false identity and are of interest to our investigations. The three weeks survey determined that on the average, 73 applications for landed immigrant status from United States residents were received daily by the Bureau for name check purposes. The survey further shows that only an average number of 24 applications daily would be of interest to our investigations. This survey was handled in the Revolutionary Activities Section by [redacted] and a larger survey appears feasible. A memorandum will be submitted in the near future recommending the implementation of this survey.

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b7C

CONTINUED - OVER

Greenberg/Gray-7080

~~SECRET~~

Memorandum to Mr. E. S. Miller
RE: WEATHERFUG

Technical Coverage

At present, we have both telephone surveillance (tesur) and microphone surveillance (misur) coverage of [redacted]. We also have misur coverage of Weatherman activist [redacted] are in New York. (X)

(U) At the present time, our most promising target for additional technical coverage continues to be [redacted] in Cambridge, Massachusetts. She is [redacted] who supports a number of extremist causes. She closely associates with both black and white extremists. Suspected Weatherman activists reside with her, who are believed to have information on whereabouts of Top Ten fugitives [redacted]. Investigation of [redacted] continues and recommendation for technical coverage will be made at the appropriate time. (X)

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b7C

ACTION:

For information.

Greenberg/Gray-7081

~~SECRET~~

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 05-11-2009

F B I

Date: 5/5/72

Transmit the following in APPROPRIATE AGENCIES.

Via AIRTEL

AND FIELD OFFICES *(Type in plaintext or code)*

ADVISED BY ROUTING

SLIP(S) BY *(PCL)*DATE *7-19-79* (Priority)

~~TOP SECRET~~
~~SECRET~~

~~CONFIDENTIAL~~

TO: ACTING DIRECTOR, FBI

DO NOT

FROM: SAC, PHILADELPHIA

DISSEMINATE

SUBJECT: aka *per 62-117964-9*

SM - REVOLUTIONARY ACTIVITIES (EXTREMIST)

(OO: PH)

b6

Bufile 100-466098
PH 100-53469

b7C

WEATHFUG
(OO: CG)Bufile 176-1594
PH 176-180

*1482 DM/BS/MC/KW
1482 DM/BS/MC/KW
EXEMPT FROM GDS CATEGORY 2
DATE OF DECLASSIFICATION INDEFINITE
para marked C. declassified U*

(U) Re Bureau letter to Philadelphia 4/7/72, and
Philadelphia airtel to Director, 4/20/72 under the

b6
b6 C
b7C

As the Bureau and Chicago are aware, Philadelphia has instituted intensified investigation of and his contacts based on the fact that is a possible link in the WEATHFUG underground network, and referenced Bureau letter directed that Philadelphia submit a bi-weekly summary airtel of activities.

REC-110 *100-711098-28*

Investigation by Philadelphia continues to be centered around three locations on West Harvey Street in the Germantown section of Philadelphia: 1) ,
Street, 2) and 3) a BP Gas Station located at the corner of Greene and Harvey Streets.

b6
b7C

- ② Bureau (RM)
1 - Chicago (Info.) (RM)
2 - Philadelphia (1 - 100-53469)
(1 - 176-180)

1XEROX 9040 5/16/72

CF/gdw

12 MAY 10 1972

MPS/lss
(5)~~SECRET~~Approved: *54 MAY 23 1972*

Special Agent in Charge

~~TOP SECRET CONFIDENTIAL~~ *WVA 18103*
Final Composite

PH 100-53469
176-180

~~TOP SECRET~~

~~SECRET~~

[redacted]
Philadelphia, Pa.

(U)

[redacted] Apartment

ship with [redacted] continues to reside in common-law relationship with [redacted] in the second floor rear apartment, telephone #VI 8-1631. (U)

b6
b7C

On 4/24/72, a Volkswagen bearing Ohio license 817-7NM, driven by a young white female, was observed at the premises and the female driver entered the [redacted] apartment leaving shortly thereafter with [redacted]. (U)

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b7C

The records of the Bureau of Motor Vehicles, Columbus, Ohio, reflect that the above Ohio license is registered to [redacted] MS "A" Englewood, Ohio, Montgomery County. Cincinnati and Philadelphia indices negative re [redacted]. (U)

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b7C

Toward the end of the last week of April, a confidential source advised that a small package appearing to be several items of mail, arrived at the [redacted] apartment address addressed to [redacted]. The return address reflected it was from [redacted], Vt. (U) MS "B"

b6
b7C

[redacted] Apartment

MS "B"

telephone #VI 3-0678, at the second floor front apartment at [redacted] pays the rent and subscribes to [redacted] has not been positively identified as having ever appeared at the apartment, and was not known to have any connection with captioned investigation until April 1972. (U) MS "B"

b6
b7C

Toll records pulled on [redacted] telephone number N. Y. (U) reflect a call to the residence of [redacted]

Rochester,

b6
b7C

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PH 100-53469
176-180~~TOP SECRET~~
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~~CONFIDENTIAL~~
SOVIET INTELLIGENCE SERVICE (SIS)(U) [redacted] is known to Rochester and the Bureau, as a known KGB agent for the past 12 years. (SIS)b6
b7C

The Buffalo Division has further advised that both [redacted] and his wife are former CP members. [redacted] is engaged in the manufacture of [redacted]. His wife [redacted]

b6
b7C

(U) [redacted] is employed as [redacted] University of Rochester. Both usually travel to New York City to meet with Soviet principals. (SIS)

(U) [redacted] born [redacted] is a graduate student at State University of New York, traveled to Moscow as a guest of KGB, and is currently operated by KGB as a "spotter." (SIS)

b6
b7C

MR-3

(U) [redacted] born [redacted] attended the University of Rochester two years and currently works for his father. He has no known subversive activities; however, his dress and appearance are of "hippie type" and Buffalo advised it is possible he could be mistaken as female. (SIS)

b6
b7C

(U) [redacted] born [redacted] has been studying in [redacted] for the past two years under program of [redacted] organization. She has no known participation in subversive activities. (SIS)

b6
b7C

(U) [redacted] born [redacted] resides with parents and is currently a high school student with no record of subversive affiliations. (SIS)

b6
b7C

(U) Buffalo advised it is their opinion that the only member of the [redacted] family who could logically have any current Weatherman connections would be [redacted] who was at home when the Opal sedan registered to [redacted] appeared at the [redacted] residence (as previously reported). (SIS)

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b7C

(U) Information re above KGB activity received from [redacted] a highly confidential source, and extreme caution must be exercised handling any information attributed to this source. (SIS)

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176-180

~~SECRET~~
~~CONFIDENTIAL~~

(U) Buffalo further advised that toll checks on [redacted] reflect no calls directed to numbers in the Philadelphia area. (X)

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b7C

On 4/24/72, it was learned from a confidential source that the person known as [redacted] pays the monthly rent for the second floor front apartment by money order from the Girard Bank, Schoolhouse Lane Branch, Philadelphia, Pa. The money orders are signed [redacted]

[redacted] Abington, Pa. The source indicated he felt it strange that [redacted] would rent the apartment in [redacted] yet use the [redacted] address on her money orders which is where she apparently lives and which is close to her place of employment at [redacted]

b6
b7C

(U) residence and employment are some distance from the [redacted] apartment. (X) (S)

Physical observation by Bureau Agents observed that BARBARA DONOHUE, aka Bonnie, resided at and received mail at the EVANS apartment until approximately 5/2 or 5/3/72. She has not been seen at the premises since, though her name remains on the mailbox. (X) (S)

[redacted]
Philadelphia, Pa. (S)(u)

b6
b7C

On 4/19/72, discreet surveillance by Bureau agents ascertained that on that date, [redacted]

(U) [redacted] who resides at [redacted] had just arrived at that address from an unknown origin and again took up residence at [redacted] (X) (S)

(U) [redacted] is a garage type apartment located in a well screened, secluded back yard. Motor vehicles which have in the past been associated with [redacted] were not observed in the area. (X) (S)

b6
b7C

(U) [redacted] were not observed at this address subsequent to 4/19/72 until 4/27/72 at which time [redacted] was observed at [redacted] Street (see section on [redacted]) (X)

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b7C

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~~CONFIDENTIAL~~
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PH 100-53469
176-180

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~~SECRET~~

On 1/26/72, surveillance in the vicinity of [redacted] revealed a blue or black Chevrolet, Pa. license #08676D, and a cream colored Cadillac, Pa. license #15427Y, parked in the yard at the [redacted] address. (u)

b6
b7C

The Pennsylvania BMV, Harrisburg, Pa., reflected Pa. license 08676D is registered to a [redacted] Philadelphia, Pa., for a 1971 Ford coupe. (u)

b6
b7C

(U) Philadelphia indices reflect a 165-1147 master file on [redacted] (X)

b6
b7C

Pennsylvania BMV records reflect Pa. license 15427Y is registered to [redacted] Street, Philadelphia, for a 1967 or 1968 Cadillac sedan. (fu)

b6
b7C

Philadelphia indices reflect a reference only to [redacted] NCIC negative re both vehicles and plates. (fu)

b6
b7C

BP Service Station
Corner of Greene and
Harvey Streets
Philadelphia, Pa.

(fu)

(U) The printout sheets concerning toll calls made from the coin box telephone located at this BP service station have been pulled for the most recent cycle and will continue to be pulled on a regular basis. Bell Telephone Company sources advise that toll calls made from coin boxes charged to credit card numbers do not show up on the coin box toll printout and only show up on the bill of the holder of the credit card. (X)

(U) The toll call printout above reflects numerous toll calls at various times to a telephone in Easton, Pa., indicating a possible intra-state gambling operation and a possible tie-in with [redacted] above. Subscriber ident of called numbers are being obtained by separate communication. (X)

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b7C

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~~CONFIDENTIAL~~

~~TOP SECRET~~~~SECRET~~PH 100-53469
176-180b6
b7C

- (U) Toll calls charged to credit card [redacted] known to be pertinent to captioned investigation are being pulled and will be analyzed. (X)

[redacted] was observed to make a telephone call from the coin box at the BP station at approximately 3:25 p.m., on 5/4/72. (f)(u)

b6
b7C

[redacted]
Philadelphia, Pa.
Telephone #VI 9-4982 (u)

b6
b7C

[redacted] resided with his wife and small child across a narrow driveway from the [redacted] apartment at [redacted] until 4/24/72. (f)(u)

On 4/21/72, pretext conversation with [redacted] by Bureau Agents ascertained that he and his family were planning to move to a farm near Jasper, N.Y. (u)

b6
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On 4/27/72, [redacted] and his family were observed moving under cover of dark (10 p.m.). Several white males including [redacted] helped load their possessions into an apparently orange colored Chevrolet pickup truck bearing New York license C61-665. (f)(u)

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The New York State Department of Motor Vehicles at Albany, N. Y. advised that New York license C61-665 is registered to [redacted] born [redacted] whose residence is shown as [redacted] Jasper, N. Y., for a 1968 Chevrolet orange pickup. (f)(u)

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b7C

On 5/1/72, a confidential source advised that two white males identified as [redacted]

b6
b7C

- (U) [redacted] both [redacted] Philadelphia, Pa., purchased the entire building at [redacted] Street. (X)

On 5/2/72, these individuals were observed departing the area of [redacted] in a blue VW, Pa. license 808-50B, registered to [redacted], Philadelphia. (f)(u)

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PH 100-53469
176-180

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[redacted] Philadelphia indices negative re [redacted]

(U)

[redacted] was observed back in Philadelphia 5/2 or 5/3/72 at which time it was ascertained he had returned to pick up his welfare check. (U)

b6
b7C

ADMINISTRATIVE

Philadelphia has opened case files on contacts of [redacted] believed to have potential involvement in underground activities to facilitate coverage of the activities and the handling of information concerning these individuals. (U)

b6
b7C

Investigation by Philadelphia is being, and will continue to be conducted to identify unknown contacts of [redacted] and others close to him believed to have potential involvement in underground activities. (U)

b6
b7C

An agent has been making relatively frequent coverage of the BP Service Station at Greene and Harvey Streets where he is in a position to observe and log the identities of persons making calls as well as the times of the calls made over the coin box at that location, which appears to be a major communications link in the Philadelphia area. As it has been previously reported, the above persons and others of possible interest frequent this service station for gas, minor repairs, change, cigarettes, etc. (U)

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b7D

As mentioned above, toll calls have been requested by subpoena on the credit card assigned to [redacted] and discreet background is being conducted to further identify [redacted]. A confidential source at Bell Telephone Company has advised that [redacted] has disclaimed all calls on its 4/17 bill charged to [redacted] credit card. The telephone company is conducting its own discreet investigation and is cooperating with Philadelphia. (U)

Toll calls charged to other possibly pertinent telephone numbers will be sent into [redacted] as they are identified. (U)

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~~TOP SECRET~~

~~CONFIDENTIAL~~

For the information of the Bureau, the semi-annual individual report on [redacted] is currently due. Submission of this report is being held in abeyance UACB in view of the sensitive, complex investigation re [redacted] which, as the Bureau is aware, is currently being intensified in view of his potential underground connections. It should be noted that little information is available for inclusion in a report suitable for dissemination concerning [redacted] as an individual, and Philadelphia is of the opinion that such a report at this time could conceivably hamper our investigation.

b6
b7C

UACB, Philadelphia will prepare a thumbnail summary of the [redacted] case to date which will be sent to East Coast and other logical offices where, [redacted] case leads have been or are likely to be sent. The purpose of this sketch will be to assist these offices in their coverage of present and/or future leads and it will also make them aware of the nature of the investigation currently underway in Philadelphia, in the event that they independently receive information of potential value in this case.

b6
b7C

The Bell Telephone Company is interested in the fraud aspects of the illegal use of a credit card and is cooperating in a highly discreet, coordinated investigation through (a former Bureau agent.)

ALL INDIVIDUALS INVOLVED IN NEW LEFT EXTREMIST ACTIVITY SHOULD BE CONSIDERED DANGEROUS BECAUSE OF THEIR KNOWN ADVOCACY AND USE OF EXPLOSIVES, REPORTED ACQUISITION OF FIREARMS AND INCENDIARY DEVICES, AND THEIR KNOWN PROPENSITY FOR VIOLENCE.

Greenberg/Gray-7089.

~~TOP SECRET~~

~~SECRET~~

DECLASSIFICATION AUTHORITY DERIVED FROM:
 FBI AUTOMATIC DECLASSIFICATION GUIDE
 DATE 05-11-2009

Mr. F. S. Miller

- 1 - Mr. J. A. Sizoo
 - 1 - Mr. R. L. Shackelford
 - 1 - Mr. T. J. McNiff
 - 1 - Mr. W. N. Preusse
 - 1 - Mr. H. Mallet
- 5/8/72

R. L. Shackelford

DO NOT FILE

WEATHFUG

PURPOSE:

To advise status of our security investigations concerning the 26 Weatherman fugitives.

DETAILS:Scope of the Weatherman Problem

Our investigation of the revolutionary Weatherman group centers on approximately 200 people throughout the country. Included in that number are the 26 Weatherman fugitives. Also included is a group of about 40 individuals, all non-fugitives, whose whereabouts are unknown and who are believed active in the Weatherman underground.

The Weatherman group went underground more than two years ago. Since that time, a few fugitives have been apprehended; however, the key Weatherman leaders remain at large. For the past six months, the Weatherman group has been quiescent in that it has issued no communiques to the press and has claimed no bombings since last Fall.

Information developed to date shows that Weatherman concentrated its members and activity on the East and West Coasts since early 1970; however, it appears that they can travel almost anywhere with relative ease, particularly in and out of Canada. They undoubtedly exist within the so-called youth culture which is drug-oriented and anti-law enforcement. They are supported by above-ground sympathizers, as well as by their own thefts and frauds.

Weatherman advocates use of marijuana and LSD, but oppose hard drugs, such as heroin and amphetamines. It is possible that some Weatherman activists have become drug addicts to the extent that they have dropped out of the revolution. Such a report has been received concerning Weatherman leader [redacted]; however, this has not been verified.

CLASSIFIED BY 6076 260957Z
 EXEMPT FROM GDS CATEGORY 2
 DATE OF DECLASSIFICATION INDEFINITE

HM:crk

(6)

CONTINUED - OVER

1-15-80
 CLASS. & EXT. BY 5/18/80 LFB DPM
 REASON-FCIM II 1-2-4.2 12
 DATE OF REVIEW 5-6-91

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b7C~~SECRET~~

Final Composite
 FINAL COM POSITI

Memorandum to Mr. E. S. Miller
RE: WEATHERMAN

~~SECRET~~

Though they are a small group and are probably only loosely coordinated, it must be assumed that Weatherman will continue sporadic acts of extreme violence.

Question of Supervision of Weatherman Fugitive Cases

As you are aware, the 26 Weatherman fugitives' cases are supervised by Special Investigative Division (SID). The overall investigations of the Weatherman organization, including non-fugitive underground activists and the Weatherman support group, are supervised by the Domestic Intelligence Division. It is believed that coordinated investigation could be best continued if the supervision of the Weatherman fugitive cases was also assumed by DID. Accordingly, it is recommended that advisability of this change be discussed at our next Weatherman conference with you.

Plans for Apprehension of Two Fugitives in Canada

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(U)

Fugitives [redacted] have been located in Canada by a source of the Los Angeles Office. Canadian authorities have advised that these two fugitives are not extraditable and have no plans to deport them. Within the past few days, this Los Angeles source [redacted] has advised that he is certain [redacted]

[This source, who is working [redacted] in this endeavor, wants [redacted]]

The above plan is currently under consideration and is being handled by SID.

Fugitive [redacted] Reported Recently in Washington, D. C.

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[redacted] a suspect in the CAPCOM case, has informed a WFO source that [redacted] was in Washington on [redacted] now claims that the unknown individual who accompanied [redacted] was [redacted]. At the time of the visit, [redacted] introduced this person to [redacted]

CONTINUED - OVER

~~CONFIDENTIAL~~
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Memorandum to Mr. J. S. Miller
RE: WIATHFUG

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b7C

(U)

only as [] (Source) has checked available photographs of [] but because of facial hair on [] (source) is unable to verify that [] is identical with [] (Source) advised that [] intended to stay in Washington, D.C., only a short time and was planning to visit friends somewhere in Virginia. (X)

Investigation concerning this report is continuing, however, to date, no further pertinent information has been developed.

Possible Break Up of People's Law Office in Chicago

The small group of radical lawyers at People's Law Office (PLO) in Chicago has been a mainstay of Weatherman support since 1969. One lawyer there, [] is known to have furnished about \$700 to fugitive [] in March, 1971, and this office has been a key communications channel for Weatherman. (X)

b6
b7C

(U)

Now, PLO appears on the verge of disintegration. [] has experienced a number of personal problems, including [] and the []. It appears he may be leaving Chicago and may concentrate his activities at Attica, New York, where he has been representing inmates at Attica Prison. (X)

b6
b7C

(U)

Another PLO member, [] who is believed to have been at one time active in the Weatherman underground under a false identity, is contemplating a permanent move to the West Coast. He will probably take with him another PLO activist Susan Jordan. (X)

(U)

Another PLO attorney, [] and his girlfriend [] may also be contemplating departure from the PLO operation. (X)

b6
b7C

The effect of these contemplated changes is not yet known and this situation is being closely followed.

CONTINUED - OVER

~~SECRET~~

Memorandum to Mr. J. S. Miller
RF: WEATHERFUG

SOVIET INTELLIGENCE
SERVICE (SIS)

~~SECRET~~

Ms. "A"

(U) possibility of KGB Involvement with Weatherman

[redacted] in Philadelphia is of much interest in the Weatherman investigation since his address was used by Weatherfug [redacted] to obtain false identification. In addition, [redacted] has also used a car registered to a still unidentified individual at [redacted] address. An apparent associate of [redacted] named [redacted] has recently been connected with the residence in Rochester, New York, of [redacted] who has been a co-opted KGB Agent for the past 12 years. The significance of [redacted] association with [redacted] and with [redacted] has not been determined. (X)

b6
b7C

SIS

(U) [redacted] Ms. "A"

Our Buffalo Office has noted that [redacted] has several children, including a son [redacted] who was active in Students for a Democratic Society (SDS) in 1969. [redacted] has also been co-opted by the KGB to act as a "spotter." It is the opinion of Buffalo that the [redacted] involved with the Soviets would not also be involved with Weatherman. One [redacted], who has no known subversive background, may be the tie-in with [redacted]. This is based only on the fact that [redacted] has a "hippie-type" appearance and was at home at the time [redacted] car was seen at the [redacted] residence. (X)

b6
b7C

MR. B

(U) Investigation of this situation is being handled with great caution in view of the highly confidential espionage sources involved. (X)

(U) Three Weeks Survey of United States Residents
who Apply for Landed Immigrant Status in
Canada Completed

This survey was conducted to determine whether a larger survey of these applicants was feasible in order to ascertain whether they are utilizing false identity and are of interest to our investigations. The three weeks survey determined that on the average, 73 applications for landed immigrant status from United States residents were received daily by the Bureau for name check purposes. The survey further shows that only an average number of 24 applications daily would be of interest to our investigations. This survey was handled in the Revolutionary Activities Section by [redacted] and a larger survey appears feasible. A memorandum will be submitted in the near future recommending the implementation of this survey. (X)

b6
b7C

CONTINUED - OVER

~~CONFIDENTIAL~~
~~COMINT~~
~~REF ID: A6572~~

~~SECRET~~

Memorandum to Mr. F. S. Miller
RF: WTATHFUG

~~CONFIDENTIAL~~

Technical Coverage

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At present, we have both telephone surveillance (tel) and microphone surveillance (misur) coverage of [redacted]. We also have misur coverage of Weatherman activist [redacted] are in New York. (C)(U)

b6
b7C

(U)

At the present time, our most promising target for additional technical coverage continues to be [redacted] in Cambridge, Massachusetts. She is [redacted] who supports a number of extremist causes. She closely associates with both black and white extremists. Suspected Weatherman activists reside with her, who are believed to have information on whereabouts of Top Ten fugitives [redacted]. Investigation of [redacted] continues and recommendation for technical coverage will be made at the appropriate time.

ACTION:

For information.

Greenberg/Gray-7094

~~CONFIDENTIAL~~
~~SECRET~~

~~SECRET~~

UNITED STATES GOVERNMENT

Memorandum

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-23-2009 BY 65179 dmh/baw/sbs

TO : Paul Daly *(initials)*
Federal Bureau of Investigation

FROM : Frank Martin *FJM*
Criminal Division

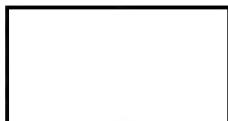
SUBJECT: United States v. Felt
W. Marks

DATE: February 7, 1980

FEDERAL GOVERNMENT

Enclosed for your review are exhibits D-15 and D-20.

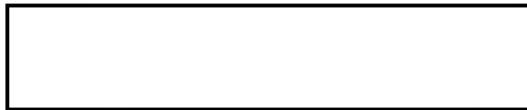
Thanks again for your help.



b6
b7C

b6
b7C

D-20 is



Re

You have the documents
as marked (Zipped)

62-118045-263

GJL 5 FEB 26 1980

DC
ENCLOSURE
ENCLOSURE ATTACHED

Discussed 2/8/80. See note on 2/6/80 letter. Smt
Final answers given by 2/15/80

4-5A

62-118045

56 MAR 18 '80

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Form OBD-197
MAY 1978

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HEREIN IS UNCLASSIFIED
DATE 04-23-2009 BY 65179 dmh/baw/sba

Greenberg/Gray-7096



62-118045-263

ENCLOSURE

February 21, 1980
 Joseph L. Tierney
 Federal Bureau of Investigation

1 - Mr. Daly
 1 - Mr. Tierney

UNITED STATES VS. W. MARK FELT, ET AL.
 DISCOVERY PROCEEDINGS

Francis J. Martin **FEDERAL GOVERNMENT**
 Department of Justice

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 04-23-2009 BY 65179 dmh/baw/sbs

Reference is made to your written inquiry dated November 28, 1979.

NY 176-97 [redacted] was assigned to SA [redacted] effective March 14, 1972. It had until then been assigned to SA [redacted]. b6 b7C

Attached are copies of documents under [redacted] and [redacted] captions from NY 176-97. The serial number of the corresponding copy in [redacted] (main file of [redacted]) is noted as the second number in brackets when the serial appears in both files. b2 b6 b7C b7D

1. WFO teletype to Director, 3/6/72 (96) (70)
2. NY teletype to WFO, 3/7/72 (94) (73)
3. CG report of SA [redacted] 4/27/72 (117) b6 b7C
4. NY airtel to Director, 5/16/72 (127)
5. CG airtel to Director, 5/31/72 (137)
6. CG report of SA [redacted] 6/27/72 b6 b7C (150)
7. NY airtel to CG, 6/27/72 (152) 62-118045-264
8. NY airtel to Director, 6/28/72, captioned "PENBOM" (153)
9. SA [redacted] memorandum to SAC, 7/26/72 (168) 5 FEB 23 1980
10. SA [redacted] memorandum to SAC, 8/23/72 (173)
11. SA [redacted] memorandum to SAC, 9/27/72 (174) b6 b7C
12. SA [redacted] memorandum to SAC, 10/3/72 (176)

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.:
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgmt. _____
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____
 Telephone Rm. _____
 Director's Sec'y _____

MAIL ROOM

~~CONFIDENTIAL MATERIAL ATTACHED~~

Hand delivered SEE NOTE PAGE THREE
2/22/80 GJS

56 MAR 18 '80

Francis J. Martin
Department of Justice

13. NY airtel to Director, 11/30/72 (185)
14. Director airtel to CG, 11/20/72 (187)
15. NY airtel to Director, 12/8/72 (190)
16. CG airtel to Director, 12/13/72 (191)
17. SF airtel to Director, 12/28/72 (192)
18. NY airtel to Director, 1/19/73 (194)
19. CG airtel to Director, 1/26/73 (199)
20. AL airtel to Director, 2/3/73 (200)
21. NY airtel to Director, 2/12/73 (201)
22. NY airtel to Director, 2/21/73 (203)
23. NY airtel to Director, 2/26/73 (205)
24. CG airtel to Director, 3/15/73 (212)
25. NY airtel to Director, 3/27/73 (215)
26. NY airtel to Director, 3/28/73 (216)
27. NY airtel to Director, 4/9/73 (220)
28. CG airtel to Director, 4/19/73 (223)
29. AL airtel to Director, 7/27/73 (236)
30. NY letter to CG, 3/21/74

In addition to the above, four serials from [redacted]
are furnished to assist in understanding [redacted]

1. DN letter to Director, 3/5/75 (69)
2. CG teletype to Director, 3/14/75 (70)

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Department of Justice

3. WFO teletype to CI, 2/28/73 (47)

4. WFO teletype to Director, 5/13/71

The above serials will all be processed for discovery.

Enclosures (Only for Oreg.
encl. for yellow es
pkgs 201 maintained in Discovery Unit.)

NOTE:

Serials being furnished in order to avoid furnishing raw [redacted] file to Department. True name of informant excised from copies furnished Department. Both name and identifying data will be excised from discovery disclosure to defense. Serials dated 3/6/72 and 3/14/75 are both marked as serial 70 in the [redacted] file due to error in sequence of serialization. b2

FEDERAL BUREAU OF INVESTIGATION
FOIPA
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No Duplication Fees are charged for Deleted Page Information Sheet(s).

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